VESTING TENTATIVE MAP
PARC NORTH
95 E. CURTIS AVENUE
(FOR CONDOMINIUM PURPOSES)

BEING A SUBDIVISION OF PARCELS 1, 2, 3, 4, AND 5 AS DESCRIBED IN THE GRANT DEED RECORDED JULY 1, 1976, IN BOOK C115, PAGE 92, SANTA CLARA COUNTY RECORDS

RECEIVED
AUG 25 2003
CITY OF MILPITAS
PLANNING DIVISION

UTILITIES:

PROPOSED IMPROVEMENTS:

PUBLIC FACILITIES: WATER, SEWER, GAS, ELECTRIC, TELEPHONE, CABLE TV, ETC.

PRIVATE FACILITIES: STORM DRAIN

WATER SERVICE TO THE SITE WILL BE SERVED FROM THE EXISTING EIGHTEEN-INCH SANTA CLARA VALLEY WATER DISTRICT MAIN IN CURTIS AVENUE.

SEWER SERVICE TO THE SITE WILL BE SERVED FROM THE EXISTING FIFTEEN-INCH CITY OF MILPITAS MAIN IN CURTIS AVENUE.

WATER SERVICE – CITY OF MILPITAS.

SEWERAGE SERVICE – CITY OF MILPITAS.

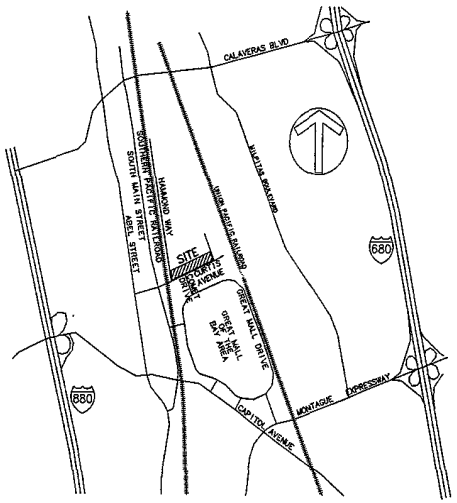
GAS & ELECTRIC SERVICE – PACIFIC GAS & ELECTRIC.

TELEPHONE SERVICE – SBC PACIFIC BELL.

CABLE TV SERVICE – AT&T BROADBAND.

GENERAL NOTES:

1. STREET TREES: INSTALLED PER CITY STANDARD NO. 448, MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
2. STREETS: ALL STREETS WITHIN THE SUBDIVISION WILL BE PRIVATE STREETS AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. ALL STREETS WILL BE IN PUBLIC SERVICE UTILITY EASEMENTS. (MINIMUM LONGITUDINAL SLOPE = 0.6%.)
3. WATER AND SEWER FACILITIES: PROPOSED WATER AND SANITARY SEWER FACILITIES WILL BE CONSTRUCTED AS PER CITY OF MILPITAS STANDARDS AND DEDICATED TO THE CITY.
4. STORM DRAIN: PROPOSED STORM DRAIN FACILITIES WILL BE PRIVATE FACILITIES AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION, EXCEPT AS NOTED.
5. DATUM: CITY OF MILPITAS DATUM.
6. EXISTING WELLS AND/OR SEPTIC TANKS ON SITE: NONE.
7. STREET LIGHTS: STREET LIGHTS ON PRIVATE STREETS WILL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. STREET LIGHTS ON PUBLIC STREETS WILL BE INSTALLED PER CITY OF MILPITAS STANDARDS AND MAINTAINED BY CITY OF MILPITAS.
8. SOUNDWALLS AND MASONRY WALLS: ALL WALLS WILL BE PRIVATE FACILITIES AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
9. MINIMUM LOT SIZE: 0.110 ACRES.
10. THE EASEMENT INFORMATION SHOWN HEREON IS BASED ON INFORMATION CONTAINED IN THE PRELIMINARY TITLE REPORT PREPARED BY FIRST AMERICAN TITLE COMPANY, REPORT NUMBER 521238, DATED MAY 16, 2002.
11. INTENDED FOR SALE TO PARC NORTH ASSOCIATES UPON COMPLETION OF SUBDIVISION. FUTURE SALE OF INDIVIDUAL LOTS AS PRIVATE RESIDENCES.



VICINITY MAP
NOT TO SCALE

EXISTING LOT AREA:

PARCEL 1: 0.268 AC.±
PARCEL 2: 4.897 AC.±
PARCEL 3: 0.666 AC.±
PARCEL 4: 1.429 AC.±
PARCEL 5: 0.045 AC.±

TOTAL AREA:

7.305 AC.±

PROPOSED LOT AREA:

LOT 1:	0.384 AC.±	LOT 11:	0.310 AC.±
LOT 2:	0.476 AC.±	LOT 12:	0.465 AC.±
LOT 3:	0.245 AC.±	LOT 13:	0.642 AC.±
LOT 4:	0.340 AC.±	LOT 14:	0.475 AC.±
LOT 5:	0.220 AC.±	LOT 15:	0.759 AC.±
LOT 6:	0.197 AC.±	LOT 16:	0.503 AC.±
LOT 7:	0.310 AC.±	LOT 17:	0.827 AC.±
LOT 8:	0.308 AC.±	LOT A:	0.210 AC.±
LOT 9:	0.308 AC.±	LOT B:	0.037 AC.±
LOT 10:	0.310 AC.±		

ENGINEER:

BKF ENGINEERS
2737 NORTH MAIN, SUITE 200
WALNUT CREEK, CA 94596-2714
(925) 940-2200

RECORD OWNER:

LOCKHEED MISSILES & SPACE COMPANY, INC.
P.O. BOX 3504
SUNNYVALE, CA 94088

SUBDIVIDER:

PARC NORTH ASSOCIATES
301 SHIPYARD WAY, SUITE A, SECOND FLOOR
NEWPORT BEACH, CA 92663
PHONE: (949) 720-9881

ARCHITECT:

STARCK ARCHITECTURE
2150 W. WASHINGTON STREET, SUITE 102
SAN DIEGO, CA 92110
PHONE: (619) 299-7070

PROPERTY ADDRESS:

95 E. CURTIS AVENUE
MILPITAS, CALIFORNIA

EXISTING LAND USE:

INDUSTRIAL

PROPOSED LAND USE:

MULTI-FAMILY RESIDENTIAL/VERY HIGH DENSITY

ASSESSOR'S PARCEL NUMBER:

086-25-024

DESCRIPTION:

DOCUMENT NUMBER 5325720, BOOK C115 PAGE 92, FILED JULY 1, 1976, SANTA CLARA COUNTY RECORDS

BASIS OF BEARINGS:

THE BEARING NORTH 66°59'30" EAST OF THE CENTERLINE OF CURTIS AVENUE AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT 9147, PARC METROPOLITAN", FILED MAY 10, 1999, IN BOOK 715 OF MAPS AT PAGES 1 THROUGH 23, INCLUSIVE, IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCHMARK:

U.S.C.&G.S. BRASS DISK ON TOP OF SOUTH END OF EAST CONCRETE HEADWALL, 3' X 10' CONCRETE BOX CULVERT, 23' WEST OF WEST RAIL OF SPRR, 41' EAST OF CENTERLINE OF MAIN STREET, NORTH OF CAPITOL AVENUE. ELEVATION = 33.03 FEET. EQUALS CITY OF MILPITAS "G-554, ELEVATION 33.307, 1982 DATUM."

SHEET INDEX:

BKF
2737 N. MAIN STREET, SUITE 200
WALNUT CREEK, CA 94597
(925) 940-2200 PH (925) 940-2299 FAX

PARC NORTH
95 E. CURTIS AVENUE
VESTING TENTATIVE MAP
TITLE SHEET
MILPITAS SANTA CLARA COUNTY CALIFORNIA

Date 08-25-03 | Scale N/A | Design ML | Drawn TEAM | Approved CR | Job No 021145.10

Revisions

Num	Date	By	Description	City Engr Appl	Date

REGISTERED PROFESSIONAL ENGINEER
CHRISTOPHER P. ALBERDI
C 044922
EXP. 03/31/06
CIVIL
STATE OF CALIFORNIA

Drawing Number
T1
1 OF 7

VESTING TENTATIVE MAP
PARC NORTH
95 E. CURTIS AVENUE
(FOR CONDOMINIUM PURPOSES)

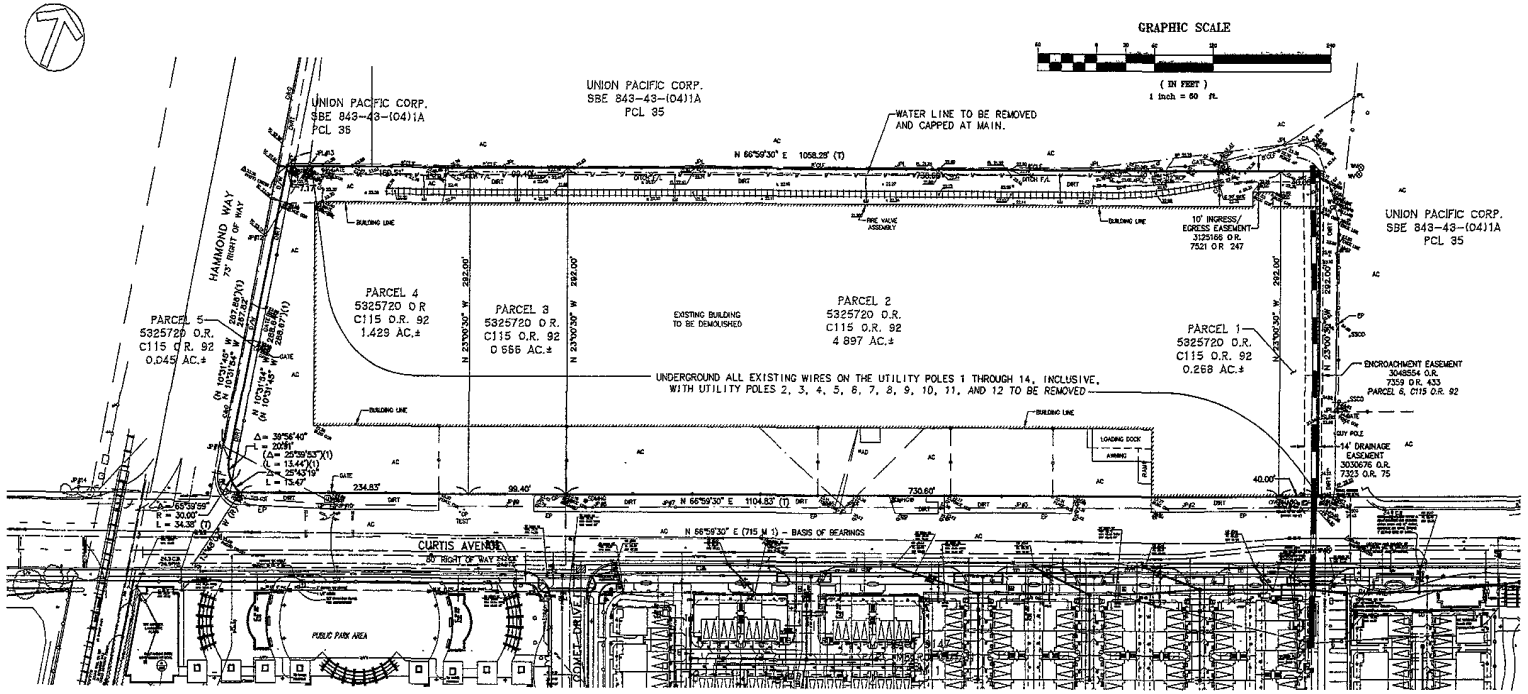
BEING A SUBDIVISION OF PARCELS 1, 2, 3, 4, AND 5 AS DESCRIBED IN THE GRANT DEED RECORDED JULY 1, 1976, IN BOOK C115, PAGE 92, SANTA CLARA COUNTY RECORDS

LEGEND:

W	WATER LINE
	FIRE HYDRANT
AC	ASPHALT CONCRETE
AD	AREA DRAIN
ASV	ANTI-SIPHON VALVE
BLDG	BUILDING
CB	CATCH BASIN
C&G	CURB AND GUTTER
CLF	CHAINLINK FENCE
D/W	DRIVEWAY
EP	EDGE OF PAVEMENT
EV	ELECTRIC VAULT
FL OR F/L	FLOWLINE
FNC	FENCE
GP	GUARD POST
JP	JOINT POLE
JPL	JOINT POLE WITH LIGHT
O.R.	OFFICIAL RECORDS
PIV	POST INDICATOR VALVE
SDMH	STORM DRAIN MANHOLE
SDMHG	STORM DRAIN MANHOLE WITH GRATE
SLB	STREET LIGHT BOX
SSCO	SANITARY SEWER CLEANOUT
SSMH	SANITARY SEWER MANHOLE
T	TELEPHONE VAULT
(T)	TOTAL
WB	WATER BOX
WM	WATER METER
WV	WATER VALVE
( )(1)	DENOTES RECORD DATA PER C115 O.R. 92

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.



BKF
2737 N. MAIN STREET, SUITE 200
WALNUT CREEK, CA 94597
(925) 940-2200 PH/(925) 940-2299 FAX

PARC NORTH
95 E. CURTIS AVENUE
VESTING TENTATIVE MAP
EXISTING CONDITIONS PLAN
SANTA CLARA COUNTY CALIFORNIA

Date	06-23-03
Scale	1"=60'
Design	ML
Drawn	TEAM
Approved	DK
Job No.	0251.510

MILPITAS

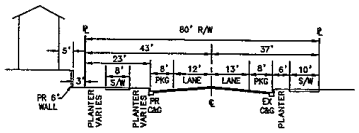
Revisions

Num	Date	By	Description	City Engr. Appl.	Date

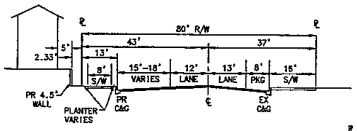
Drawing Number:
T2
2 OF 7

VESTING TENTATIVE MAP
PARC NORTH
95 E. CURTIS AVENUE
(FOR CONDOMINIUM PURPOSES)

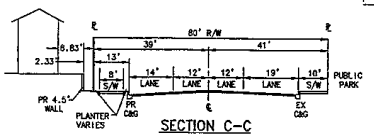
BEING A SUBDIVISION OF PARCELS 1, 2, 3, 4, AND 5 AS DESCRIBED IN THE GRANT DEED RECORDED JULY 1, 1975, IN BOOK C115, PAGE 92, SANTA CLARA COUNTY RECORDS



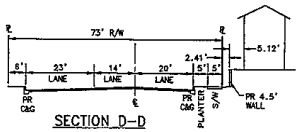
SECTION A–A
CURTIS AVENUE



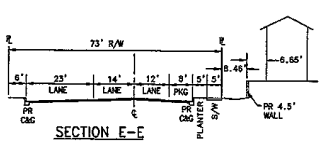
SECTION B–B
CURTIS AVENUE



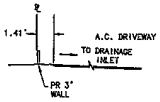
SECTION C–C
CURTIS AVENUE



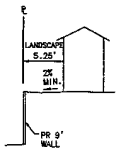
SECTION D–D
HAMMOND WAY



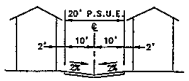
SECTION E–E
HAMMOND WAY



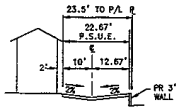
SECTION F–F
PRIVATE DRIVE SECTION



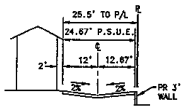
SECTION G–G
PRIVATE DRIVE SECTION



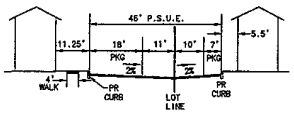
SECTION H–H
PRIVATE DRIVE SECTION



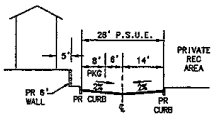
SECTION I–I
PRIVATE DRIVE SECTION



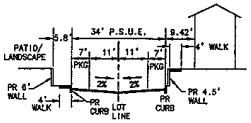
SECTION J–J
PRIVATE DRIVE SECTION



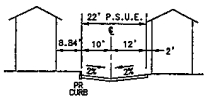
SECTION K–K
PRIVATE DRIVE SECTION



SECTION L–L
PRIVATE DRIVE SECTION
MAIN ENTRY



SECTION M–M
PRIVATE DRIVE SECTION



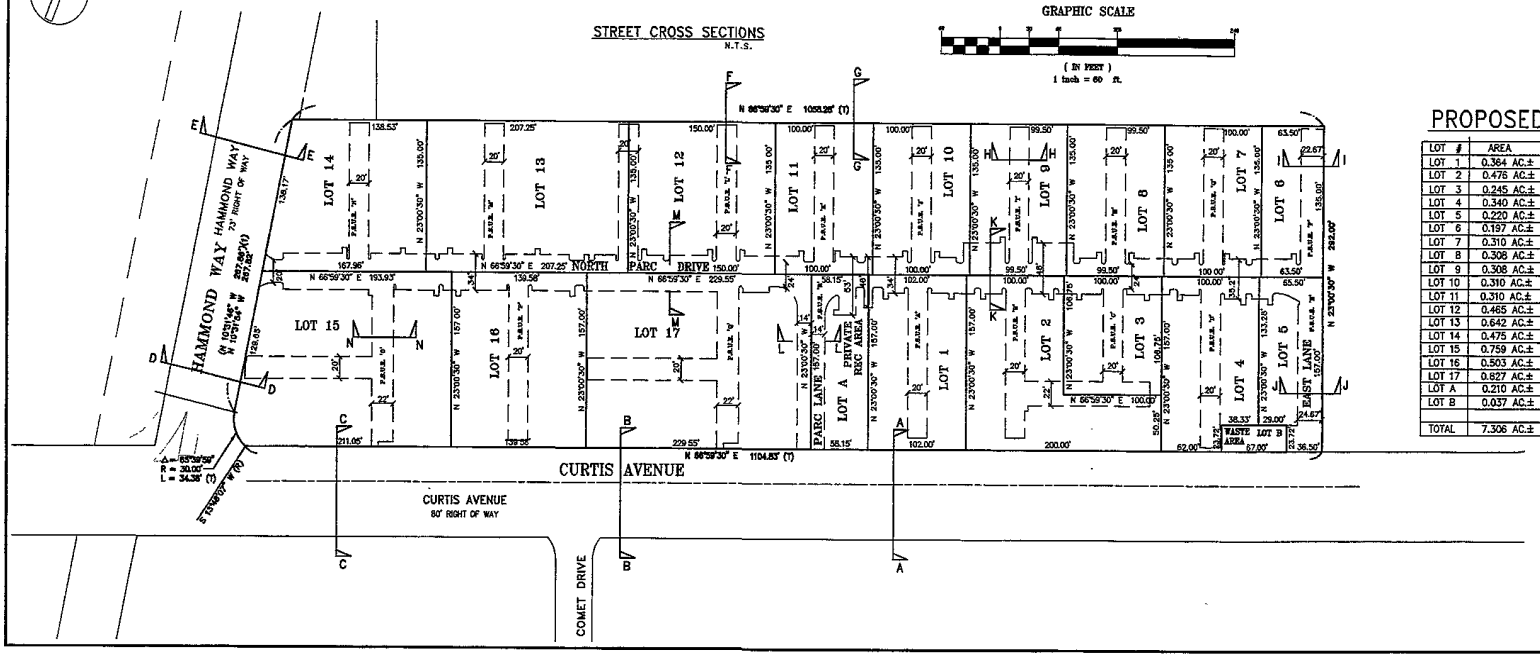
SECTION N–N
PRIVATE DRIVE SECTION

ABBREVIATIONS:

C&G	CURB AND GUTTER
℄	CENTER LINE
EX	EXISTING
PKG	PARKING
℄	PROPERTY LINE
PR	PROPOSED
P.S.U.E.	PUBLIC SERVICE UTILITY EASEMENT
SD	STORM DRAIN LINE
SS	SANITARY SEWER LINE
S/W	SIDEWALK
W	WATER LINE

STREET CROSS SECTIONS
N.T.S.

GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.



PROPOSED LOT AREA:

LOT #	AREA	TOTAL UNITS
LOT 1	0.364 AC.±	14
LOT 2	0.476 AC.±	18
LOT 3	0.245 AC.±	6
LOT 4	0.340 AC.±	13
LOT 5	0.220 AC.±	6
LOT 6	0.197 AC.±	6
LOT 7	0.310 AC.±	12
LOT 8	0.308 AC.±	12
LOT 9	0.308 AC.±	10
LOT 10	0.310 AC.±	12
LOT 11	0.310 AC.±	12
LOT 12	0.465 AC.±	18
LOT 13	0.642 AC.±	30
LOT 14	0.475 AC.±	20
LOT 15	0.759 AC.±	34
LOT 16	0.503 AC.±	24
LOT 17	0.827 AC.±	36
LOT A	0.210 AC.±	–
LOT B	0.037 AC.±	–
TOTAL	7.306 AC.±	285

BKF
2777 N. MAIN STREET, SUITE 200
WALNUT CREEK, CA 94597
(925) 940-2200 PH/(925) 940-2299 FAX

PARC NORTH
95 E. CURTIS AVENUE
VESTING TENTATIVE MAP
SITE PLAN
SANTA CLARA COUNTY CALIFORNIA
MILPITAS

Date	Scale	Design	Drawn	Approved	Job No.
06-25-03	1"=60'	MM	TEAM	CR	20031A10

Revisions

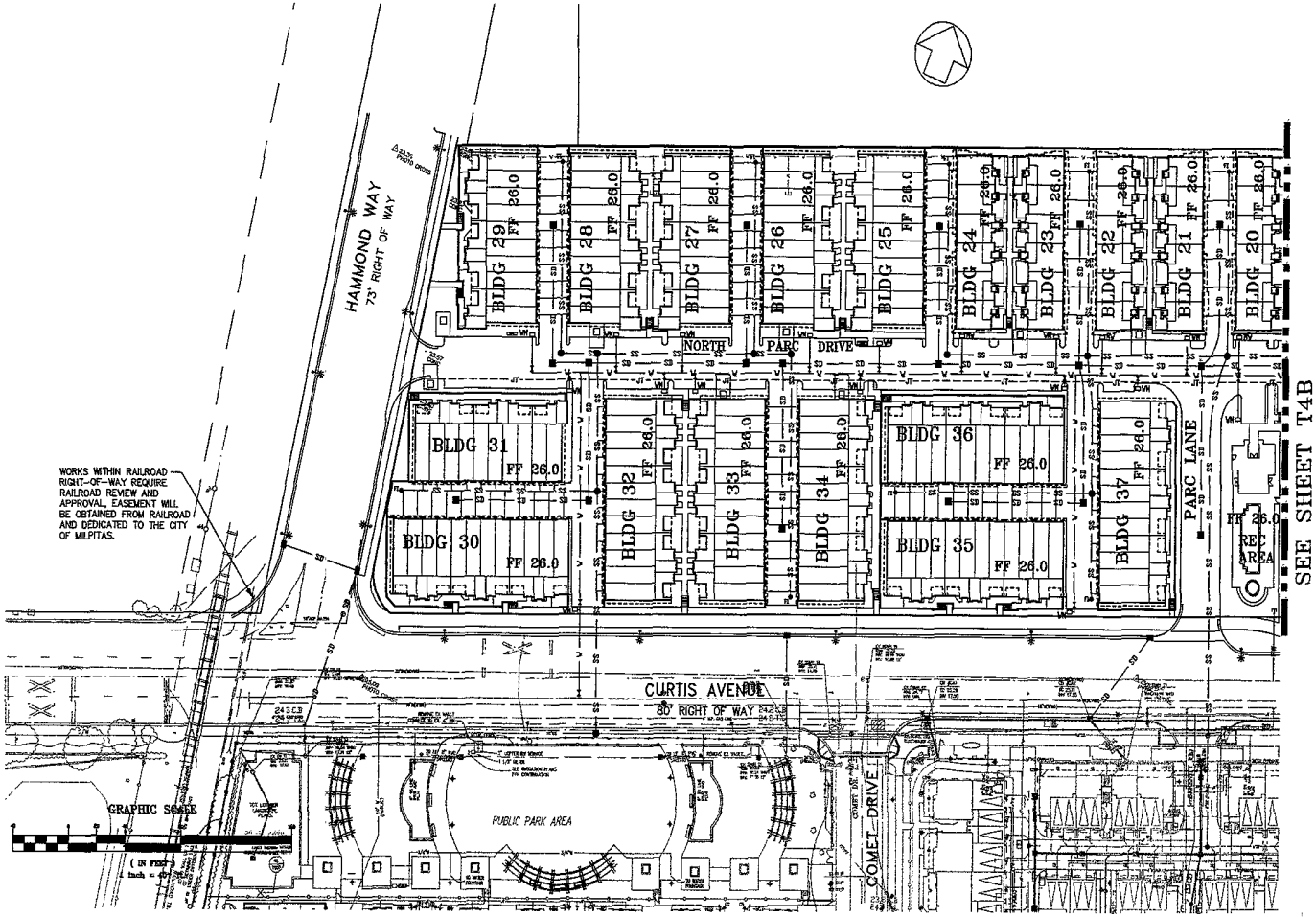
Num	Date	By	Description	City Engr Appl	Date

REGISTERED PROFESSIONAL ENGINEER
CHRISTOPHER P. ROBISON
C 044922
EXP. 03/31/06
CIVIL
STATE OF CALIFORNIA

Drawing Number:
T3
3 OF 7

VESTING TENTATIVE MAP
PARC NORTH
95 E. CURTIS AVENUE
(FOR CONDOMINIUM PURPOSES)

BEING A SUBDIVISION OF PARCELS 1, 2, 3, 4, AND 5 AS DESCRIBED IN THE GRANT DEED RECORDED JULY 1, 1976, IN BOOK C115, PAGE 92, SANTA CLARA COUNTY RECORDS



NOTE:

1. ON SITE SEWER AND WATER SERVICES ARE PUBLIC; ON SITE STORM DRAIN SERVICES ARE PRIVATE.
2. SEE LANDSCAPE PLANS FOR PATHWAY AND LANDSCAPE LIGHTING.
3. CORNER SIGHT DISTANCE AT INTERSECTIONS SHALL BE PER CITY STANDARD PLAN 405.

LEGEND:

- SD — STORM DRAIN LINE
- SS — SANITARY SEWER LINE
- W — DOMESTIC WATER LINE
- JT — JOINT TRENCH LINE
- SD/SS MANHOLES
- DROP INLET
- SANITARY FLUSHING INLET
- WATER VALVE
- WM — WATER METER
- STREET LIGHT PER CITY STANDARD 442
- TRANSFORMER
- BIKE RACK

BKF
2237 N. MAIN STREET, SUITE 200
WALNUT CREEK, CA 94597
(925) 940-2250 PH/(925) 940-2299 FAX

PARC NORTH
95 E. CURTIS AVENUE
VESTING TENTATIVE MAP
UTILITY PLAN
MILPITAS SANTA CLARA COUNTY CALIFORNIA

Date 08-25-03
Scale N/A
Design ML
Drawn TEAM
Approved CR
Job No 02281410

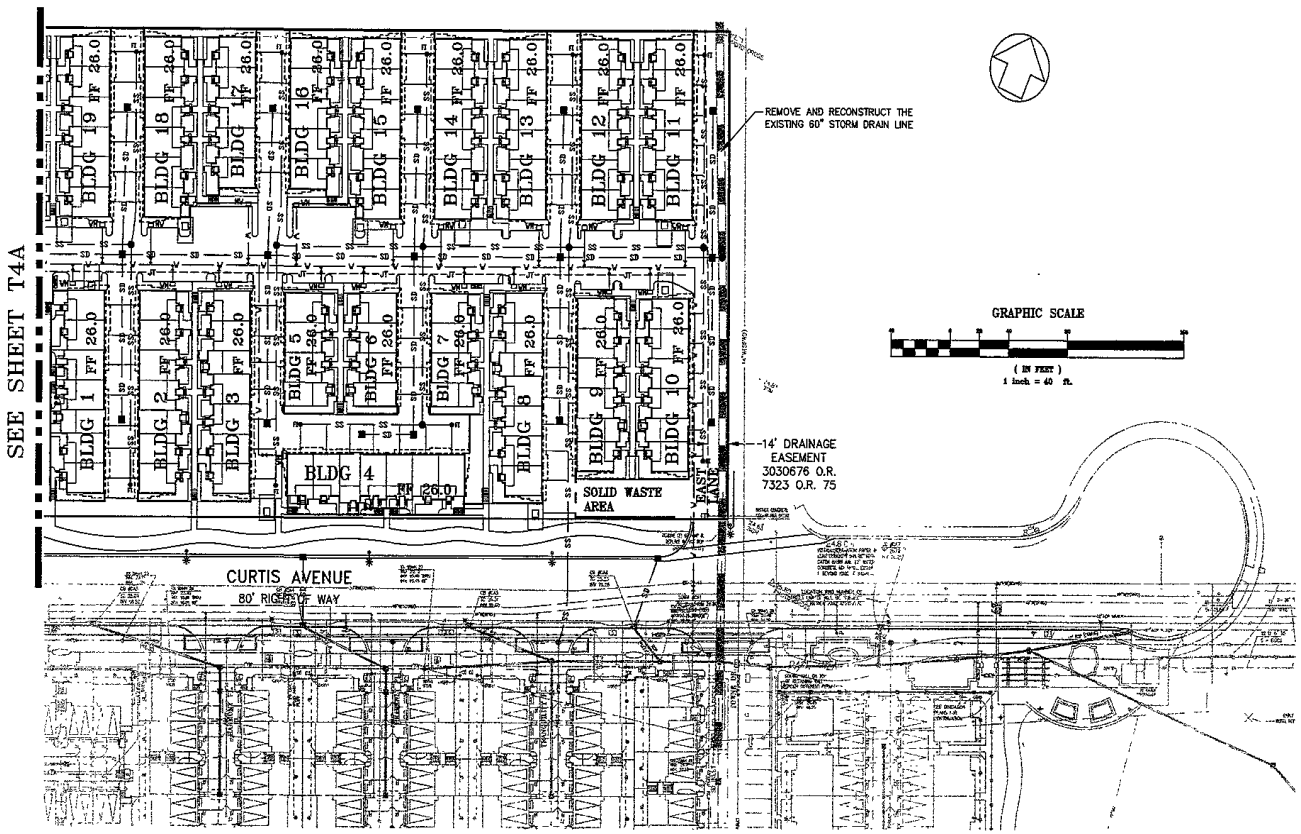
Num	Date	By	Description	City Engr Appl	Date
			Revisions		

REGISTERED PROFESSIONAL ENGINEER
CHRISTOPHER R. RIDECOUT
C 044922
EXP. 03/31/06
CIVIL
STATE OF CALIFORNIA

Drawing Number
T4A
4 OF 7

VESTING TENTATIVE MAP
PARC NORTH
95 E. CURTIS AVENUE
(FOR CONDOMINIUM PURPOSES)

BEING A SUBDIVISION OF PARCELS 1, 2, 3, 4, AND 5 AS DESCRIBED IN THE GRANT DEED RECORDED JULY 1, 1976, IN BOOK C115, PAGE 92, SANTA CLARA COUNTY RECORDS



LEGEND:

- SD — STORM DRAIN LINE
- SS — SANITARY SEWER LINE
- W — DOMESTIC WATER LINE
- JT — JOINT TRENCH LINE
- SD/SS MANHOLES
- DROP INLET
- SANITARY FLUSHING INLET
- WATER VALVE
- WM — WATER METER
- STREET LIGHT PER CITY STANDARD 442
- TRANSFORMER
- BIKE RACK

NOTE:

1. ON SITE SEWER AND WATER SERVICES ARE PUBLIC; ON SITE STORM DRAIN SERVICES ARE PRIVATE.
2. SEE LANDSCAPE PLANS FOR PATHWAY AND LANDSCAPE LIGHTING.
3. CORNER SIGHT DISTANCE AT INTERSECTIONS SHALL BE PER CITY STANDARD PLAN 405.

BKF
2777 N. MAIN STREET, SUITE 200
WALNUT CREEK, CA 94597
(925) 940-2200 PH/(925) 940-2299 FAX

PARC NORTH
95 E. CURTIS AVENUE
VESTING TENTATIVE MAP
UTILITY PLAN
SANTA CLARA COUNTY CALIFORNIA
MILPITAS

Date 06-25-03
Scale N/A
Design ML
Drawn TBM
Approved DR
Job No 020145.10

Revisions

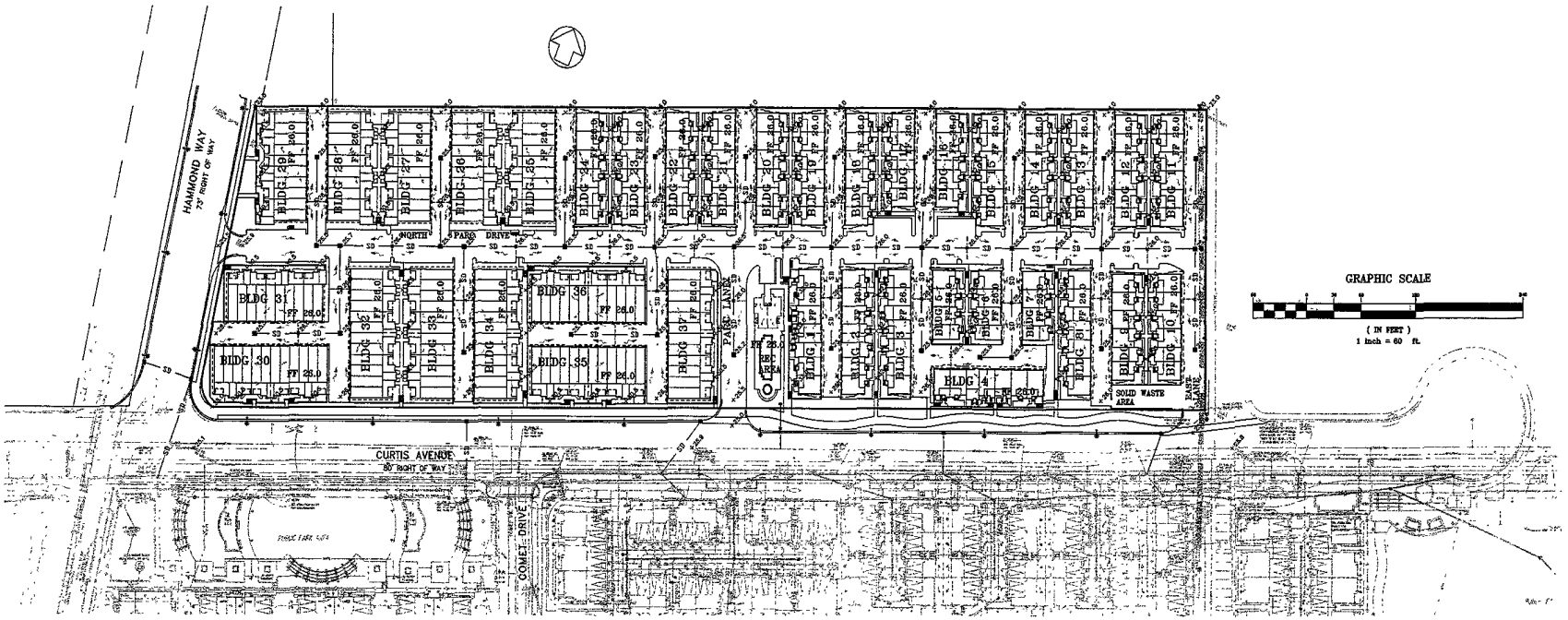
Num	Date	By	Description	City Engr Appl	Date

REGISTERED PROFESSIONAL ENGINEER
CHRISTOPHER P. BIBBERT
C 044922
EXP. 03/31/06
CIVIL
STATE OF CALIFORNIA

Drawing Number
T4B
5 OF 7

VESTING TENTATIVE MAP
PARC NORTH
95 E. CURTIS AVENUE
(FOR CONDOMINIUM PURPOSES)

BEING A SUBDIVISION OF PARCELS 1, 2, 3, 4, AND 5 AS DESCRIBED IN THE GRANT DEED RECORDED JULY 1, 1976, IN BOOK C115, PAGE 92, SANTA CLARA COUNTY RECORDS



LEGEND:

- SD — STORM DRAIN LINE & FLOW DIRECTION
- MANHOLE
- DROP INLET
- SURFACE FLOW DIRECTION
- GRADE BREAK
- SPOT ELEVATION

DRAINAGE NARRATIVE:

STORM WATER RUNOFF FROM ROOFS AND PAVED SURFACES DRAINS OVERLAND TO NEAREST CATCH BASIN. RUNOFF THEN FLOWS TOWARD MAIN LINE IN NORTH PARC DRIVE WHERE IT'S CARRIED EAST TO A CONNECTION WITH THE EXISTING 60" PUBLIC MAIN. A "STORMCEPTOR"-TYPE DEVICE WILL BE INSTALLED AS PART OF THE PRIVATE SYSTEM, JUST PRIOR TO RUNOFF DISCHARGE TO THE PUBLIC SYSTEM.

BkF
3737 N. MAIN STREET, SUITE 200
WALNUT CREEK, CA 94597
(925) 940-2200 PH/(925) 940-2299 FAX

PARC NORTH
95 E. CURTIS AVENUE
VESTING TENTATIVE MAP
DRAINAGE PLAN
MILPITAS SANTA CLARA COUNTY CALIFORNIA

Date 08-25-03
Scale N/A
Design MK
Drawn TDM
Approved CR
Job No 025143.10

Revisions

Num	Date	By	Description	City Engr. Appl	Date

REGISTERED PROFESSIONAL ENGINEER
CHRISTOPHER F. RUECKERT
C 044922
EXP. 03/31/06
CIVIL
STATE OF CALIFORNIA

Drawing Number
T5
6 OF 7

VESTING TENTATIVE MAP
PARC NORTH
95 E. CURTIS AVENUE
(FOR CONDOMINIUM PURPOSES)

BEING A SUBDIVISION OF PARCELS 1, 2, 3, 4, AND 5 AS DESCRIBED IN THE GRANT DEED RECORDED JULY 1, 1976, IN BOOK C115, PAGE 92, SANTA CLARA COUNTY RECORDS

BKF
2337 N. MAIN STREET, SUITE 200
WALNUT CREEK, CA 94597
(925) 940-2200 PH/(925) 940-2299 FAX

PARC NORTH
95 E. CURTIS AVENUE
VESTING TENTATIVE MAP
CONDITIONS AND NOTES
MILPITAS SANTA CLARA COUNTY CALIFORNIA

Date 08-26-03
Scale N/A
Design VL
Drawn TEM
Approved CS
Job No.02934.10

Revisions

Num	Date	By	Description	City Engr. Appl	Date

REGISTERED PROFESSIONAL ENGINEER
CHRISTOPHER P. KLEVESAHL
C 044922
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Planning Commission Date: September 10, 2003 Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing Report Prepared by: Troy Fujimoto

Public Hearing: Yes: __X__ No: _____

Notices Mailed On: 8/29/03 Published On: 8/28/03 Posted On: 8/29/03

TITLE:	**PARC NORTH VESTING MAJOR TENTATIVE MAP (P-MA2003-1) SITE AND ARCHITECTURE REVIEW (P-SZ2003-3) AND USE PERMIT NO. P-UP2003-2**
Proposal:	A request to subdivide a parcel into 18 separate parcels, construct a 285-unit multi family residential development, and a request for six (6) exceptions of R-4 zoning requirements, including parking, setbacks, and open space.
Location:	95 East Curtis Avenue
RECOMMENDATION:	**Approve Site and Architecture Review and Use Permit requests and recommend to City Council approval of Vesting Major Tentative Map**
Applicant:	Parc North Associates, LLC, 301 Shipyard Way, Suite A, Newport Beach, CA 92663
Property Owner:	Lockheed Missiles and Space Corporation Inc, PO Box 3504, Sunnyvale, CA 94088-3504
Previous Action(s):	S-Zone Amendments, EIA's, General Plan Amendment, and Rezoning
Environmental Info:	Midtown EIR
General Plan Designation:	Multi-Family Very High Density Residential
Present Zoning:	Multi-Family Very High Density (R4-S), with an S-Zone overlay
Existing Land Use:	Warehouse
Agenda Sent To:	Applicant and Owner as noted above
Attachments:	- Tentative Map - Site and Architecture Plans - Landscape Plans - Stormwater control plan, dated July 21, 2003 - Attachment for Conformance with the Midtown Specific Plan, dated September 10, 2003

- Parc North Landscape Brochure, dated July 18, 2003
- Applicant letter of description (undated)
- Resolution No. RA212, A resolution of the Milpitas Redevelopment Agency approving the execution of a Memorandum of Understanding (MOU) with Parc North Associates, LLC
- *Lockheed Residential Transportation Impact Analysis*, dated April 1, 2003, Hexagon Transportation Consultants
- *Noise Analysis for Lockheed Residential Development,* dated April 1, 2003, Mestre Greve Associates

PJ#3101

BACKGROUND

The site is rectangular in shape and extends west to east along Curtis Avenue. The subject property is located on the north side of Curtis Avenue at the northeast corner of Hammond Way and Curtis Avenue. The parcel is approximately 7.3 acres (8.62 gross acres) and is currently developed with an approximate 215,000 square foot warehouse that is proposed to be razed.

Surrounding uses include the Parc Metropolitan residential development and the Great Mall to the south, railroad tracks to the west, industrial uses and railroad tracks (future BART line) to the east and the railroad switching yards and auto storage to the north.

In January 1966, the City Council approved an S-Zone application for the existing warehouse at the subject location. Subsequent Planning Commission approvals include fencing and site modifications. More recently, in 1999, the City approved a General Plan Amendment and Rezoning of this parcel from Manufacturing and Warehousing to Multi-Family High Density. In 2002, as part of the Midtown Specific Plan, General Plan designation changed to Multi-Family Very High Density and rezoned to Multi-Family Very High Density (R4-S)

APPLICATIONS SUBMITTED

The applicant is requesting approval of a Vesting Major Tentative Map, pursuant to Section XI-1-4.00 (Tentative Map) and Section XI-1-30.00 (Vesting Tentative Map) of the Subdivision Ordinance, to subdivide one parcel into eighteen (18) separate parcels. In addition, the applicant is requesting approval of an S-Zone application, pursuant to Section 42 (Site and Architecture Review) the construction of the new multi-family buildings and related site improvements. The applicant is also requesting approval of a Use Permit, pursuant to Section 8.11 (Exceptions to R-4 Standards) and Section 57 (Use Permits) of the Zoning Ordinance for exceptions to the R-4 development standards for parking; compact spaces, covered parking, and off-site guest parking, setbacks (setback reduction and exceedance), and reduction of open space.

PROJECT DESCRIPTION

The applicant is proposing to develop a 285-unit multi-family townhouse and condominium project. These two product types are differentiated by size and garage layout. Product A (141 units) consist of two and three bedroom townhouse units ranging from 990 to 1,200 square feet. Product B (144 units) are stacked condominiums with two and three bedroom units ranging in size from 1,015 to 1,400 square feet.

Site Layout and Access

The proposed site layout will have three entrances, one "entrance only" access from Hammond Way and two full access points along Curtis Avenue, one at the middle of the property (Parc Lane) and the other at the eastern end of the site (East Lane). All three access points are interconnected with an internal spine road (North Parc Drive) that traverses the project from east to west, parallel to Curtis Avenue. All streets on the site will be private. There will be driveways off of North Parc Drive that will serve the building groups.

Product A buildings, which features side-by-side townhouse units over private garages are located on the eastern end of the property. Product B buildings feature stacked condominium units over tandem parking garages located on the western end of the property. Both product types have similar building footprints and will be arranged either parallel or perpendicular to Curtis Avenue. The buildings are arranged in this manner to provide architectural interest and variety both when viewed from within and outside the site. The arrangement of buildings also provides adequate access for the Fire Department to respond to emergencies.

A private recreation area, including a pool and recreation building is located at the middle of the site off of Parc Lane. The garbage collection area is located at the eastern end of the site, off of East Lane. The opening of the trash enclosure will not face Curtis Avenue and, to help soften the appearance, will have landscaping on the perimeter that fronts Curtis Avenue.

The applicant proposes to improve the Curtis Avenue right-of-way. Improvements include creating an enhanced and wider landscaped streetscape along Curtis Avenue, while narrowing Curtis Avenue east of Park Lane to install a linear park for a pedestrian/bicycle trail and landscaping. In addition, the applicant is also proposing to improve the portion of Hammond Way that fronts their property.

Parking

There will be 637 on-site parking spaces, in garages or uncovered throughout the site. Parking is classified as shown in the table below. Twenty (20) of the required guest spaces are proposed off-site on the street (Curtis Avenue and Hammond Way). Bicycle parking is proposed along portions of the spine road, the recreation area, and inside garages. Further discussion on parking is provided in the "Exceptions" portion of the staff report.

Parc North Parking Table					
	Product A (Townhouses)		**Product B (Condominiums)**		
	Covered (garage)	Uncovered on-site	Covered (garage)	Uncovered on-site	Guest Parking
Required	***282***	***0***	***288***	***0***	***85***
Proposed	272	10	288	0	65
Compact	131	0	144	0	58*
On-street	0	0	0	0	20*

Parc North Parking Table					
Deficient	0	N/A	0	N/A	0

** Exception request (use permit)*

Building Architecture, Colors, and Materials

The units are proposed to be built over garages. Access to the garages at the rear of the units will be at street level. For flood and building construction reasons, the applicant is building up the ground level around the buildings, creating basements for the garages. The front main unit entries will be five (5) feet above the street grade. The applicant is providing a raised courtyard area between buildings, such that when people access the building, they will step up into the courtyard area.

To accommodate the raised courtyard, all of the buildings will have a retaining wall condition around the building. This retaining wall will be approximately 4 ½' to six (6) feet in height, except at the rear of the property, where the retaining wall will vary in height from five (5) feet to ten (10) feet tall. Approximately five feet of the rear retaining wall height is attributed to raising the elevation for flood purposes. If the parcel to the north is developed with residential uses, they will also have to raise the elevation by approximately five feet. The remaining wall height is for the purposes of raising the floor level of the living area, because of the subsurface garages. The retaining walls that face Curtis Avenue and Hammond Way will be softened and partially screened through the use of "layered" landscaping.

Because the majority of the buildings are oriented east/west with respect to front door and garage entrances, the ends (sides) of the buildings front the internal and peripheral streets. This makes these elevations highly visible. Thus, the applicant is providing three (3) different side elevations that can be interspersed throughout the project. This will help add variety to the project and give the appearance of a varied and interesting neighborhood.

The buildings are of a variety of color schemes. The project will include concrete tile roofs, pitched with a 4:12 slope. The roof concrete tiles will be of two styles: Mediterranean (S-curved) style tile and flat concrete tile that has a wooden "shingle" look. The colors of the roof will be various shades of brown (earth tone colors). The building exteriors will be stucco and will be painted lighter earth tone colors.

Materials used on the buildings include wood, plaster, tile, clear glass, and metal accents. To improve the appearance of the buildings, the applicant is proposing to add architectural elements including metal spires, wrought iron, wood awnings and trellises, plaster corbels, recesses, ceramic and accent tile and trim. The architectural features of the building as mentioned above will be darker colors to stand out from the lighter colors of the stucco exteriors. Accent colors for various elements include shades of gray, green, blue, brown, and red. Accent tiles throughout the building will include whites, yellows, blues, browns, black, aqua, and cream.

The units will have their own doorway entrances that will step up from the courtyard. Each entrance will have architectural features to "announce " the entries. These will include trellises, pop-out projections over the doorway, arches and awnings. Recesses and pop-outs of the building will help to provide architectural interest to the elevations of the building.

Garages will be subsurface, at the rear of the building, with access off an alley/autocourt. The main entrance to the units will be from the opposite side of the building from an elevated (approximately 5 feet), earthen, landscaped courtyard enclosed by retaining walls. Buildings will face each other, such that each courtyard will be shared by two buildings and each alley will be accessed from two buildings.

Product A:

The product A (townhouses) buildings consist of 2-levels above parking. The buildings are rectangular in shape and contain four (4) to seven (7) units. With townhouses, each unit extends vertically from garage to roof, thus, the unit owner will only have neighbors to the left and right. Building No. 4 will not face another building. It faces Curtis Avenue and opens up into the landscaped trail area. Building No. 1 will face the recreation area.

Product B

The product B (condominium flats) buildings consist of 3-levels above parking. The buildings are rectangular in shape and contain ten (10) to twelve (12) units per building. The units are stacked on top of each other. Thus, units will have neighbors to the left and right and either above or below. Buildings No's. 29, 30, and 35 will not face another building. They face Curtis Avenue and Hammond Way and open up into the landscaped trail area.

Landscaping

Because of the high density urban character, landscaping is not provided in the same was as it is provided in suburban developments where large swaths of green, open space is common. Vines, planters, tree grates, and containers are heavily used to provide greenery and soften hard architectural edges. The applicant has emphasized landscaping along the area that fronts Curtis Avenue. This increased landscaped area provides for a pedestrian and bicycle trail, trees, and other vegetation which helps provide a boulevard effect for Curtis Avenue.

On-site landscaping is provided mainly along the spine road (Parc North Drive) and in the courtyards between the buildings. Landscaping in the courtyards include smaller trees, bushes, potted plants and groundcover.

The trees used on the site are mainly broadleaf and deciduous. Palm trees accent pedestrian accessways (into the courtyards), tie into the palm tree plant palette used across the street at the Parc Metropolitan project and relate to the Mediterranean architectural style proposed.

ISSUES

Use Permit

Pursuant to Section 8.11 (Exception to Standards) of the R4 district, exceptions to certain development standards may be approved by the Planning Commission through the approval of a Use Permit in accordance with Section 57 (Use Permits) of the zoning ordinance.

The applicant is requesting the following six (6) exceptions as follows:

1. An exception to the 2 covered parking space requirement for two-bedroom units. The applicant is requesting that 10 units provide only one covered parking space.

2. The applicant is requesting the use of 20 on-street parking spaces to be used to meet a portion of their 85 guest parking spaces.
3. Exceed the maximum number of compact spaces of 40%; 50% is requested.
4. Reduction and exceedance of minimum and maximum front and rear yard setbacks.
5. An exception to the 25% open space requirement; 23.7% is requested.
6. An exception to the 200 square feet of usable open space requirement for each dwelling unit.

Use Permit Findings

Any approval of a Use Permit or Use Permit Amendment, requires that the Planning Commission make the following findings:

1. The proposed use is consistent with the Milpitas Zoning Ordinance.
2. The proposed use is consistent with the Milpitas General Plan.
3. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

In addition to the above findings, two additional findings are required to be made by the Planning Commission prior to approval of any exceptions to the development standards for an R-4 project in the Midtown Area:

1. The exceptions meet the design intent identified within the Specific Plan and do not detract from the overall architectural, landscaping, and site planning integrity of the proposed development.
2. The exceptions allow for a public benefit not otherwise obtainable through the strict application of the specified standard.

The following sections explain how these findings can be made for the proposed project, as conditioned.

Exceptions (Use Permit)

The following are the development exceptions that the applicant is requesting as part of the application.

Covered Parking

The R4 district requires two (2) covered parking spaces for each two (2) or more bedroom units. The applicant is asking for an exception to this standard to allow 10, two-bedroom townhouse units to have one covered space and one uncovered space.

In some of the proposed buildings, not all of the units have room to accommodate a two-car garage because of the width of the smaller units. This may inconvenience these units that only have one covered space, but parking supply of two (2) spaces is provided and guaranteed if the exterior space is marked and reserved. This will allow more open space and landscaping to be located on the site and will not detract from the architecture of the building. If this exception is not granted, it is expected that building footprints will get larger reducing open space on-site, or

loss of units causing the project to not meet minimum density requirements. Therefore ***staff supports*** the request and ***recommends*** that all uncovered parking spaces for these units be marked and reserved to meet the intent of the requirement.

Compact Spaces (40% maximum and guest parking)

A May 2003 zoning ordinance amendment provided the allowance of all projects in the R-4 zoning district to have up to 40 percent of their required parking be of a compact size.

The applicant is proposing that for every two (2) car townhouse garage, one space be a standard parking size and the other be a compact space, i.e. – 50% compact spaces. This will help to maintain the garage under living unit condition and will help to reduce the overall footprint size of the building. Because each garage is private, the compact space is not expected to impact the project as a whole.

In the condominium buildings, the applicant is proposing tandem parking spaces – spaces aligned one behind the other. While the code intent is to provide two standard size parking spaces, the second tandem space proposed will be eight (8) inches short of the required standard parking space length. Thus, it is a compact space. Staff does not see a reduction of eight (8) inches being a concern, as it is still considerably larger than a "standard" compact space.

Compact guest parking spaces are not allowed in the R-4 zoning district. The project is proposing to locate 58 parallel compact-sized (due to width, length will be standard) spaces along the spine road, Parc North Drive. The intent to not allow compact parking spaces for guest parking was to minimize conflicts (door dings, parking outside lines) when visitors not familiar with the project park in compact spaces accustomed to a full size space. However, because only the width of the space is compact and the length is standard size, the impacts will be minimized as length is more of a concern with parallel parking than width.

Guest Parking

The R4 district requires that projects provide guest parking at a number that is 15% of the resident parking. Based on 570 required tenant parking spaces, the project would be required to provide 85 guest parking stalls. However, due to site constraints, the applicant is requesting an exception to allow credit for 20 on-street parking spaces on Hammond Way and Curtis Avenues to be used for their required guest parking. Because the area proposed to be used along Curtis Avenue is along the project frontage, it is reasonable to allow these spaces to be used as guest parking. Along Hammond Way, the parking spaces will be located along the project frontage as well as across the street (on the western side of Hammond Way). Since the western side of Hammond Way backs up to railroad tracks, it is not expected that any other type of development will occur, thus the project will not be impacting any future development at that site.

Without the parking exception for guest parking, the applicant will have to locate more parking spaces on-site which will result in the loss of housing units and open space. Loss of units would result in the project not meeting the minimum density.

Setbacks

The following table illustrates the applicants' request of exceptions to setbacks on the site:

Building	Setback Required	Proposed (Exception Request)
Building 1	Front yard setback of 8-15 feet from back of sidewalk	Varies from 21 to 25 feet
Buildings 2 and 3	Front yard setback of 8-15 feet from back of sidewalk	Varies from 21 to 23 feet
Building 4	Front yard setback of 8-15 feet from back of sidewalk	Varies from 11 to 21 feet
Building 8	Front yard setback of 8-15 feet from back of sidewalk	Varies from 16 to 21 feet
Buildings 11-29	Rear yard setback of 10 feet	5 ¼ feet, 2 ¼ feet with projections
Building 29	Front yard setback of 8-15 feet from back of sidewalk	Varies from 11 to 30 feet
Building 30 and 31	Front yard setback of 8-15 feet from back of sidewalk	Varies from 5 to 16 feet
Solid waste enclosure	Front yard setback of ~~8-15~~ feet from back of sidewalk	Varies down to 3 feet

The front yard exception for buildings 1, 2, 3, 4, and 8 is, in part, due to the meandering bicycle/pedestrian path and due to the large landscaped area between the buildings and Curtis Avenue. This width will be used to provide a large landscaped area to improve the aesthetics and pedestrian nature of Curtis Avenue and to provide a boulevard effect consistent with the Midtown Specific Plan illustrations.

At the east end of the project is the solid waste collection point and enclosure. Due to the meandering bicycle/pedestrian path, the setback varies from 3 feet to 8 feet. If the path was a straight alignment, the setback would be maintained at 8 feet. However, due to a desire to have the path meander (which provides pedestrian interest and creates a "trail" feel) the setback narrows to 3 feet in one area. Granting this exception for this setback will allow the path to maintain its meandering configuration through the east end of the project, while not impacting the overall aesthetics of the landscape area.

The front yard exceptions for buildings 29, 30 and 31 are, in part, due to the angle of the intersection at Hammond Way and Curtis Avenue. While the applicant is providing a grid pattern (streets and buildings) on site, this causes portions of the end buildings that face Hammond Way to have varying front yard setbacks. Front setbacks for building 29 will vary from 11 feet to 30 feet. Building 30 and 31 will vary from 5 to 16 feet. Thus, part of the buildings meet the setback requirements and part of the buildings will not. Shifting the building or angling the building out to maintain the setback will detract from the architecture of the building and cause inefficient use of space from odd on-site angles. A positive result of the larger setbacks is the opportunity to provide for project identification or announcement. An

enhanced landscape treatment could be incorporated. Thus, ***staff recommends*** that the project incorporate an enhanced treatment at the corner of Hammond Way and Curtis Avenue, including, but not limited to, enhanced landscaping, fountain, artwork, incorporated and enhanced identification signage.

The applicant is requesting an exception to the rear yard setback for buildings 11 through 29, from 10 feet to 5.25 feet (2.25 feet including building projections). The first level will be set back approximately 5.25 feet, but the projections on the second floor reduce this to approximately 2.25 feet. The development standard allows projections (including balconies, bay windows and awnings) to extend six (6) feet deep into the required setback. Thus, it is allowable to have a 4-foot rear setback. As proposed, portions of the building will actually project out into the required setback.

There is to be some crowding of structures in a high-density urban environment. Staff recommends granting this exception because if the buildings had to be moved to the south, to maintain density, the entire site plan would shift which would take away from the enhanced landscaped trail area at the front of the property fronting Curtis Avenue. Also, even if the neighboring site were to also request an exception to the setback in this area, if a setback of 5 feet were also granted, this would leave 10 feet between buildings. For comparison, setbacks in single-family districts can have a distance of 12 feet separating buildings. In some Planned Unit Developments, that number goes down to 10 feet. Thus, this reduction of the rear setback will not impact the proposed or future proposals.

Usable Open Space

Usable open space requirements for this project, based on a 25% requirement, is 1.826 acres. The applicant is proposing 1.734 acres of on-site usable open space. The applicant has designed the project to maximize usable open space. The applicant has made use of shared alleys, which reduce paved roadway areas in half, incorporated parking areas into and under the building footprint, which will minimize surface parking areas, and they have also designed the narrowest roadways the City will allow consistent with smart growth trends. The project also proposes for-sale, "stacked" units, encouraged by the City. While the project may not have utilized the allowable height, which may have been able to accommodate additional stacked units, it is the applicants contention that these two product types are the best compromise between the desire for a higher density product while maintaining customer appeal. Thus, staff recommends that this exception be granted.

The proposed project is also not able to meet the requirement for 200 square feet of usable open space for each unit. However, all of the open space provided, divided by the number of units will equate to more than 200 square feet of usable open space for each unit. The difficulty in incorporating 200 square feet for each unit is that the dimensions are a function of unit width. The average width of a Product A unit is 17 feet and 20 feet for Product B. For the stacked unit, this would result in a balcony the entire width of the unit that projects 10 feet out from the building. Balconies this large would diminish the courtyard areas and detract from the overall design of the project. Because the project as a whole meets the 200 square feet per unit of usable open space and each unit has some usable open space through either a balcony or patio, staff recommends granting of this exception.

Conformance with the General Plan

The proposed Vesting Major Tentative Parcel Map, S-Zone and Use Permit are consistent with the following sections of the General Plan.

Guiding Principles:

2.a-G-2 which encourages a relatively compact form, through the use of compact development and higher densities. The proposed density of the project, 31 DU/acre, is consistent with the General Plan designation.

2.a-G-3 which provides for a variety of housing types and densities to meet the demands of families. The project will provide two and three bedroom units to provide for varying family sizes.

2.a-G-5, a park-like setting through parks, trails, and greenway system. The project includes a new bike/pedestrian trail along the southern border of the project.

2.a-G-6 which implements the Midtown Specific plan goals, policies, and development standards and creates high density housing. The project is proposing high density housing (density of over 30 DU/acre) and meets the intent of the Midtown Specific Plan.

And *Implementing Policies:*

2.a-I-1 which states that new developments should not exceed the building intensity limits established in the General Plan. The proposed project does not exceed the 40 unit per gross acre density maximum of the Multi-Family, Very High Density Residential land use designation.

2.a-I-2 which promotes in-fill development in the incorporated city limits. The project will be an in-fill project replacing an existing industrial warehouse.

2.a-1-22 which encourages to develop the Midtown area as an attractive and economically vital district that accommodates a mixture of housing within a system of landscaped boulevards, streets and pedestrian/bicycle linkages. The proposed project meets the intent of the Midtown Specific Plan and will bring a mixture of housing types to the Midtown area. In addition, the project incorporates a new pedestrian/bicycle path, linear park/greenway.

Conformance with the Zoning Ordinance

Pursuant to Section XI-10-8.05 of the Zoning Ordinance, the proposed project will create legal lots that conform with the development standards, parking, and affordable housing requirements of the Multi-Family Very High Density "R4" District in the following ways:

Standards	Proposed	Complies
Height - 4 stories and 60 feet	Varies to 37 feet	Yes
Density – 31 to 40 DU/Acre	31 DU/Acre	Yes
Affordable Housing – 20% minimum goal	20% affordable	Yes

Standards	Proposed	Complies
Front setback – Min. 8 ft., Max 15 ft. from back of sidewalk	Varies between 4 feet and 30 feet	No, see exceptions, use permit requested
Side setbacks – 10 feet minimum	Over 10 feet	Yes
Rear setbacks – 10 feet minimum	5 ¼ feet (2 ¼ feet effective)	No, see exceptions, use permit requested
Parking	2 covered spaces for each 2 bedroom unit and greater, and 15 percent for guest parking, all located on-site	No, see exceptions, use permit requested
Bicycle Parking	5 percent of all required automobile stalls	Yes
Open Space – 25% of total site	23.7%	No, see exceptions, use permit requested
200 square feet of usable open space per unit (on-site private park, recreation area)	Less than 200 square feet	No, see exceptions, use permit requested
Utilities – screened from views	All equipment and boxes will be located along the spine road and along Curtis Avenue. Where located, they will be screened from views with landscaping and obscured by buildings	Yes

Conformance with the State Subdivision Map Act & Subdivision Ordinance

With respect to approving the subject application, the Subdivision Map Act defers to local ordinance. The City's Subdivision Ordinance requires design and improvement consistency with the General Plan. As previously covered in the conformance with the General Plan section, the proposed Vesting Major Tentative Map is in conformance with General Plan.

Conformance with the Midtown Specific Plan

All projects proposed within the Midtown area are subject to a Site and Architectural Review (S-Zone Review), in accordance with Chapter 42 of the City's Zoning Ordinance. In addition to the usual S-Zone process of reviewing projects for conformance with the City's General Plan and Zoning Ordinance, no S-Zone approval shall be granted by the City without the decision-making body making the following finding:

"The proposed project conforms to the intent and the specific requirements of the Midtown Specific Plan, including the Development Standards and Design Guidelines."

The project conforms with the Land Use Goals 2 and 3, Circulation Goal 1 and Community Design Goal 4. In addition, the project conforms with Residential Policies 3.4 through 3.7, Park and Open Space Policies 3.24 and 3.25, Street System Policies 4.5 and 4.8 and Parking Policy 4.19.

More detail about the conformance of the proposed project with the Midtown Specific Plan and the Design Guidelines are provided in the attachment for *Conformance with the Midtown Specific Plan, dated September 10, 2003.*

Site Layout

The applicant has worked extensively with the City to revise and improve the layout of the site throughout the review process. The proposed layout was developed to maximize density, provide for adequate access for emergency and service vehicles, provide pedestrian access and walkability throughout the site, and to provide for building variety and interest along Curtis Avenue.

The proposed site plan shows block lengths exceeding 400 feet (580 and 480 feet). Because the site is relatively shallow, and space is at a premium, the applicant has minimized driveways to provide more space for building and landscaped areas. In addition, the applicant is proposing publicly accessible pathways at least every 200 feet.

One of the main policies of the Midtown Plan is to promote walkable developments. Therefore, ***staff recommends*** that no fencing or gates be installed to prevent access into the courtyards.

Building Architecture

While the applicant has submitted architectural elevations and plans for the buildings, staff is concerned that the plans submitted are too conceptual in nature. To ensure quality and that all details are included in the plans, ***staff recommends*** the applicant submit revised building elevation plans for Planning Commission Subcommittee approval prior to building permit submittal. It is the expectation that all shadows will be removed, plans will be building permit quality, and all details and architectural features on the building clearly shown.

The following are recommendations to improve the architectural interest:.

Because of the layout of the buildings, the architecture treatment of the elevations that have greater visibility (fronts and sides) are treated to a higher standard than those that do not (rear/garage elevations). However at the eastern end of the site, two of the building (buildings 10 and 11) have the rear (garage faces) of the buildings visible from Curtis Avenue and viewpoints to the east. Because of this condition, ***staff recommends*** the applicant provide a revised elevation for the eastern facing elevations that incorporates additional architectural elements and features.

The buildings for Product A do not have articulated rooflines to the same extent as the Product B buildings. The Product A buildings have projections that provide vertical interest, which help articulate the building from a pedestrian and close-up point-of-view. However, there are two buildings (No.'s 1 and 4) that do have considerable visibility from Curtis Avenue and Parc Lane

where the straight roofline will be visible. Therefore, ***staff recommends*** that the applicant submit revised building plans that show an articulated roofline for buildings 1 and 4.

The Midtown Plan recommends that all windows and doors be recessed into the building façade. As part of the architectural treatment of the building, some of the windows have purposely been left flush with the walls. To require these windows to be recessed in the building would result in a smaller unit footprint and would eliminate some of the vertical architectural interest that is provided by the variety in depths in the exterior building façade.

As mentioned previously, the rear of the buildings (garages) do not have the same level of architectural design as the fronts and sides. The windows are mostly flush with the building façade and not many features are provided. While these views face each other (garage facing garage), it is still visible. Therefore, ***staff recommends*** the applicant provide increased architectural interest to these elevations, either through the use of recesses and/or architectural features (shutters, awnings).

The proposed plans do not show the locations of any downspouts or rain gutters. As this will often impact the overall architecture of the building, ***staff recommends*** the applicant submit plans that show how the downspouts and rain gutters are incorporated into the buildings.

The Midtown guidelines recommend that eaves on buildings should not have a depth less than 18 inches. Product A has eaves that vary from zero (0) to six (6) inches in depth. Product B has eaves to a depth of 12 inches. The applicant is proposing eaves less than 18 inches to protect the architectural integrity of the building. However, buildings with no eaves have a less attractive appearance, especially with residential buildings. No eaves can be justified for buildings with flat roofs and parapets, however, having eaves for buildings that have a pitched roof provides an interesting higher quality appearance to the building. Therefore, ***staff recommends,*** that eaves be provided for all buildings, a minimum of six (6) inches in depth.

The applicant is proposing fabric awnings throughout the project, while this provides a nice feature to the building, staff is concerned with the choice of material used, as this may have long term durability concerns. As such, ***staff recommends*** the applicant use metal awnings or a material that will maintain its appearance for the life of the project.

Staff has a concern with the amount of sunlight that the courtyards between buildings will receive. Staff does not want to have units that do not get any sunlight. Sunlight into courtyard areas and units could be impacted depending on the type of landscaping proposed and location of windows. To ensure that there is adequate sunlight infiltration, ***staff recommends*** the applicant submit a sun/shadow study for further review in regards to landscape selection and window placement.

Recreation Building

The applicant is proposing a 600 square foot recreational building that will house bathrooms, the pool equipment, and a multi-purpose room. Staff has concerns with the small size of the building, relative to the 285 units being proposed for the project. Staff especially has concerns with the 200 square foot multi-purpose room/lounge. For comparison purposes, the largest of the proposed garages is approximately 300 square feet. Thus, this room is a little larger than half of the garage. To ensure that this space can be used effectively and in a manner that can adequately

accommodate HOA meeting, parties, and other gatherings, ***staff recommends*** more square footage for the building and a larger recreational room, a minimum of 600 square feet.

Landscaping

The submitted landscaping plan is conceptual in nature. While the proposed landscaping plan shows trees and locations of trees, it does not show details of the courtyards and does not specifically show specie selection. As such, ***staff recommends*** that prior to building permit, detailed landscaping plans be submitted to the Planning Commission Subcommittee for review and approval.

In regards to the conceptual plan, the applicant is proposing trees in planter areas that have a width of two (2) feet or less. In the Parc Metropolitan project (across the street), there were also trees in planter areas less than two (2) feet in size. Many of the trees in these small areas have since been replaced in the Parc Metro project due to their inability to survive. As such, it is clear from the Parc Metro project that this is not adequate planting area for trees to survive. ***Staff recommends*** any trees in planters of two feet or less be removed and replaced with shrubs or ground cover.

While the Midtown Plan recommends that landscape areas be protected with planter curbs, in the auto courtyards some of the planting areas are minimal. Adding a planting curb will render these small areas unusable. As such, staff does not object to the small auto court landscape areas without planting curbs. In addition, because of the tight conditions in the auto court areas, landscaping will not be provided between each garage for Product B. There will be landscaping between each garage in Product A.

Staff also has concerns with the small planter and potted areas that front the main entrances into the building units. Over time, these areas could be neglected and become unsightly areas with no plants or dying and dead plants. To prevent this from occurring ***staff recommends*** the applicant provide an automatic watering system for all planter areas.

The Midtown guidelines recommend that unit pavers be used for walkways throughout the site. Incorporating unit pavers adds interest to the sidewalks and provides some infiltration of stormwater into the ground. As such, ***staff recommends*** that unit pavers be interspersed along walkways throughout the site and at key intersection points and gathering places.

As part of the project proposal the applicant is requesting an exception to use on-street parking to meet guest parking requirements. Because they are requesting to use parking on the west side of Hammond Way, as well as the east side, ***staff recommends*** the applicant include landscaping on the west side of Hammond Way, including trees and groundcover.

The Midtown guidelines recommend that residential drive aisles end with a six (6) foot wide landscape area to provide a visually pleasing line-of-sight from the road. On the north end of the project, the auto courts do not have a six-foot wide landscape area. The space is used for back-up area for people accessing garages at the northern end of the building and could house utilities needed for the project. Because the buildings are only five-feet away from the property line, there is no additional space for six-feet.

Additional ***staff recommendations*** in regards to landscaping include:

- Include increased landscaping of the auto court (alley) areas through the use of trees with a non-aggressive root system, bushes, or vines (bougainvillea)
- Provide accent trees at all vehicular entrances into the project site.
- All trees in the landscaping plan shall be a minimum size of 24-inch box.
- In narrow planters adjacent to walls or building, shrubs and vines shall be incorporated into the plan.
- Remove the street tree that is proposed to be located in front of the sign at the Parc Lane entrance.
- Removal of pine trees at the front of the trash enclosure. A Cherry tree specie shall be used instead, as this will provide better screening.
- Support structures shall be provided for all vines and climbing plant material to ensure upright growth in areas that are too small for trees and shrubs.
- Structural (amended) soil shall be used for all landscaping in the public right-of-way.

Walls and Fences

As part of the proposal is a varying five to nine foot tall retaining wall at the rear of the property and a five-foot tall picket fence on top of the retaining wall. The picket fence is provided for safety reasons because of the grade change from the neighboring property. At the east end of the property the applicant is proposing to install a 7-foot tall concrete wall. The Midtown Plan recommends a six (6) foot tall screening hedge at the perimeter of the properties. Therefore, ***staff recommends*** the applicant revise their wall at the east end to six (6) feet in height. Because there is a driveway adjacent to the wall, ***staff also recommends*** the wall be stepped down in height as it approaches Curtis Avenue for safety and line-of-sight reasons.

Because the walls are at the perimeters of the property, visible from views, and up to nine (9) feet tall, ***staff recommends*** that concrete stamping and/or designs and vertical elements be incorporated into the exterior faces of all perimeter walls.

The applicant is proposing fences along the auto courts that front up to Curtis Avenue and Hammond Way. In addition, the applicant is not proposing to have gates and fences off of the courtyards. While the applicant is proposing these fences to minimize access into the auto court areas and direct pedestrians into the courtyard, staff feels that this can be accomplished through the use of landscaping. As such, ***staff recommends*** that no fencing be located along any portion of the project frontage along Hammond Way or Curtis Avenue.

Stormwater Runoff

The applicant has submitted a stormwater control plan for the site, including construction and post construction Best Management Practices (BMP's).

Construction BMP's

The applicant has proposed a BMP plan that incorporates erosion and sedimentation control and provides guidance for contractor activities while working at the site. The practices are taken from an Erosion and Sediment Control Field Manual. In addition the applicant proposes other

measures for the site including prevention of discharge directly into storm drains, a contained and covered area for cement, paint, oils, fertilizers, etc., filters, limiting access onto the site and providing gravel entrances, and fiber rolls around the entire site.

Post Construction BMP's

The applicant has proposed the following post construction BMP's:

- Labeling and maintenance (annual inspections) of storm drain facilities;
- Storm drain inlet cleaning on an annual basis;
- Installation of a "Stormceptor" filtration device. This device is capable of removing debris, sediment, oil and grease prior to discharge into the storm drain system;
- Street sweeping.

Staff is concerned with the stormceptor. The applicant is proposing only one stormceptor for the entire site. In addition, no maintenance schedule is provided. As such, ***staff recommends*** the device be maintained on an annual basis by the future Homeowners Association and if any future study shows that one will not accommodate the entire site, an adequate amount will be located on the site to ensure that capacity is met.

Staff also recommends that roof downspouts drain to landscape areas where possible and flows be directed to landscaped areas. In addition, staff had recommended that grass pavers be incorporated into the auto courts to allow for additional infiltration into the ground and create visual interest in this expansive area.. However, an engineering analysis determined that any additional infiltration in these areas would cause future damage to pavement sections. To maintain a level of interest in the asphalt expanses (driveway areas), ***staff recommends*** intermittent decorative pavement or treatment.

Park Fees

All residential developments in the Midtown area are required to provide park and open space at a ratio of 3 ½ acres per 1,000 people. A per Section 8.07-1, up to 43% of the public park and open space requirement may be provided in the form of private recreational space, which would include on-site usable common areas or private open space. Based on the 285 residential units proposed the development would be required to provide the following:

1.58 public acres
1.15 private acres

2.68 park acres

The 1.15 private acres required on-site would be met with on-site amenities including interior courtyards, multi-purpose/community building, pool and spa. These areas total over 1.7 acres, well above the 1.15 acres required. The public acres would be satisfied with the payment of a park-in-lieu fee with a credit for the improvements provided along Curtis Avenue. The project is providing an on-street trail connector (bike/pedestrian path and enhanced landscaping) to the planned pedestrian over-crossing connecting Curtis Avenue to Yosemite Drive. Midtown Specific Plan Policy No. 3.25 allows an applicant to provide for the improvement of trails designated in the City's Trail Master Plan as credit towards the public acreage requirement.

The park-in-lieu fee calculation is based on the fair market value of one acre of land in Milpitas. As provided for in MMC XI-1-9.07 the fair market value, for the purposes of this fee calculation will be determined annually by City Council resolution. Earlier this year the Council commissioned a study to determine the average fair market value of land in Milpitas. The study was recently completed and found that the average fair market value of one acre of land is currently $1.3 million. Staff will be drafting a resolution for Council adoption to establish this value for the fee calculation. Based on the valuation study's conclusion, the remaining park in-lieu fee for this project (after the on-street trail credit) would be $1,169,878 of which $212,000 will be paid for through the project's Owner Participation Agreement.

Affordable Housing

The R-4 zoning district has a minimum affordable housing goal of 20 percent. For the proposed project, this equates to 58 affordable housing units. The applicant is proposing 18 units be designated for very low-income households, 6 for low-income households and 34 for moderate-income households. The number of affordable units that will be 2 and 3 bedrooms is still to be determined.

Very-low income households are defined at 50% of the County median income. Low-income households are defined at 80% of the County median, and moderate-income households are at 120% of the County median. Currently, the 2003 median income for Santa Clara County is $105,500 for a family of four

Noise

The project is located between two active railroad tracks and near roadways that accommodate large car haulers (trucks). In addition, it is expected that there will be an increase in the number of automobile trips on the streets adjacent to the project. Because of the expected impacts, an acoustical study was submitted that analyzed the external and internal noise levels for the proposed project.

Exterior Noise

The report identified that exterior outdoor private living areas (rear yard areas, private balconies or patios) would be exposed to noise impacts due to the combined roadway and train noise. The report identified that all buildings that are adjacent to Hammond Way and Curtis Avenue that have outdoor private living areas would need mitigation for noise. As such, ***staff recommends*** a noise barrier (for outdoor patio areas) be installed for all units in buildings 29, 30 and 35. In addition, a noise barrier (for outdoor patio areas) shall be installed for the end units (closest to the street) for buildings 31, 32, 33, 34, and 37. The noise barriers shall be installed and designed to meet the 65 LDN (a 24 hour average, day-night noise level) requirement.

Interior Noise

For residential uses, the *interior* noise level cannot exceed a 45 LDN (a 24 hour average, day-night noise level) standard. It is expected that common building construction in California will provide the necessary mitigation to bring the level below the 45 LDN limit with windows open. However, because this cannot be measured until detailed architectural plans become available, a detailed noise analysis will be required to determine the building upgrades necessary prior to any building permits.

However, with windows open, it is expected that certain units, those closest to Curtis Avenue and Hammond Way, and the railroad tracks will not be able to maintain a 45 LDN. Therefore, ***staff recommends*** mechanical ventilation be required for these units.

Transportation/Traffic

The proposed project will generate new trips throughout the area. As identified in the Midtown Specific Plan EIR, most traffic impacts cannot be mitigated over the long term. The City adopted contained overriding considerations for these impacts. However, the Midtown EIR did identify that fair share contributions would be required for projects that impact intersections and roadways. In addition, any project that generates more than 100 peak hour trips, is required, by the Congestion Management Program to complete a traffic impact analysis.

As part of the traffic report, 19 intersections were evaluated in accordance with the Congestion Management Program during the AM and PM peak hours. The result of the study identified that the project will impact deficient intersections on Montague Expressway and will impact the Main and Carlo intersection. Based on the number of project-generated PM peak hour trips, the Midtown-related traffic impact fee will be $16,385.

In addition to the Midtown traffic impact fee, the City also has an impact fee for any project that impacts Montague Expressway. As part of the future widening of Montague Expressway, the city levies a fee on any project that adds new trips to the expressway. It is expected that this project will add 95 PM peak hour trips, equating to a share of $85,185. Thus, ***staff recommends*** the applicant pay total traffic fees for the project totaling $101,570 dollars, $20,000 of which would be paid as provided for in the project's owner participation agreement with the redevelopment agency.

Staff also has concerns with truck traffic in the area originating from the auto haulers that are located adjacent to the property. The traffic study included truck counts on Curtis Avenue. The results of the survey showed that of all trips, 2.5% were attributed to truck traffic. While this number is relatively insignificant staff has requested, and the applicant has agreed, to open discussions with the property owners (auto haulers) about the possibility of the auto hauler operations being modified to only use Hammond Way, rather than Curtis Avenue. While the auto haulers do not have any desire to stop use of Curtis Avenue due to perceived lack of pavement area on Hammond Way, they did offer to no longer off-load on Curtis Avenue and to restrict those activities to their site.

Bicycle Parking

Per the R-4 zoning standards, bicycle parking is required at a ratio of five (5) percent of all automobile parking required. Based on 655 automobile spaces required, 33 bicycle parking spaces will also be required. ***Staff recommends*** the applicant provide bicycle parking near the community building/pool area and to provide bicycle racks in each garage. With this implemented, the project will exceed their bicycle parking requirement since there are 285 garages on the site.

Neighborhood/Community Impact

A neighborhood outreach meeting was held with members of Parc Metropolitan during an HOA board meeting on August 14, 2003. At this meeting, residents of Parc Metropolitan voiced their concerns in regards to parking. They do not want to see what currently occurs in their project, occur in the proposed project, especially since it could have an impact on them. Parc Metropolitan has a desire to see some parking controls be enacted with the new development. Issues that were brought up included not all homeowners using their garages for their vehicles (thus taking up the few non-garage parking spaces in and around the site), and a general lack of parking in the immediate area.

At this meeting, the applicant committed to looking into what could be done to address this issues, including language in the Covenants, Conditions and Restrictions (CC&R's) to enforce parking in garages, restricted parking in guest areas, and time limits in guest areas.

The project is requesting an exception for on-site guest parking requirements. This could add more cars to the streets surrounding the project, however, the exception is only for guest parking, not homeowner parking, meaning the same people will not be parking on the street every day. Street parking will continue to operate on a first come, first served, available to anyone basis. The request will only be to count on-street parking as guest parking, not to designate or reserve any on-street parking in any manner. The project will provide all tenant parking on-site.

Conformance with CEQA

The proposed project is exempt from further environmental review pursuant to Article 8, Section 65457 (CEQA exemption, Specific Plans) of Planning and Zoning law, in that it is a residential development that is consistent with a specific plan for which an environmental impact report (Midtown Specific Plan and associated EIR) has been certified after January 1, 1980.

RECOMMENDATION

Recommend to the City Council approval of the Vesting Major Tentative Map, based on findings no. 1-4 and special conditions listed below. In addition, it is recommended that the public hearing be closed for the S-Zone and Use Permit application and approval is recommended based on findings no. 5-11 and special conditions listed below.

FINDINGS FOR VESTING TENTATIVE MAP (P-MA2003-1)

1. The proposed Vesting Major Tentative Map is in conformance with the General Plan as it is subdividing land into smaller parcels to accommodate a high density housing project.
2. The proposed Vesting Major Tentative Map is in conformance with the Zoning Ordinance, by providing the minimum density and through the approval of exceptions to development standards.
3. The proposed Vesting Major Tentative Map is consistent with the State Subdivision Map Act and the Subdivision Ordinance, as it is consistent with General Plan principles including:
   a) Compact development and higher densities;
   b) Variety of housing types;

c) Park-like setting;

d) Implementation of Midtown Specific Plan goals, policies and development standards.

It is also consistent with the following General Plan policies including:

a) Compliance with building intensity limits;

b) Promoting in-fill development in the incorporated City limits;

c) Development of the Midtown area as an attractive and economically vital district.

4. The proposed project is exempt from further environmental review pursuant to Article 8, Section 65457 of the State Planning and Zoning Law.

FINDINGS FOR S-ZONE (P-SZ2003-1) AND USE PERMIT NO. P-UP2003-2

5. The proposed project is exempt from further environmental review pursuant to Article 8, Section 65457 of the State Planning and Zoning Law.
6. The proposed development is consistent with the City of Milpitas Zoning Ordinance in terms of land use and development standards for Multi-Family Very High Density zoning because the proposed development is a high density (31 DU/acre) residential development that promotes walkability and the creation of a bicycle/pedestrian trail.
7. The proposed development is consistent with the City of Milpitas General Plan in terms of land use and density because the proposed project is a two (2) product, multi-family residential project with a proposed density of 31 DU/acre.
8. As conditioned, the proposed residential development will not be detrimental or injurious to the public health, safety, and general welfare to future residents and to the surrounding community because the project will remove an underutilized industrial use, will make improvements to the pedestrian access along their project frontage and will be a more compatible use than industrial.
9. As conditioned, the layout of the site, design of the proposed building, and landscaping are compatible and aesthetically harmonious with the surrounding area and will improve the aesthetics of the site.
10. The exceptions associated with the project meet the design intent of the Specific Plan by not adversely impacting the architecture and allowing increased landscaping by having reduced paving for parking.
11. The exceptions allow public benefits such as an improved streetscape for Curtis Avenue, allows more units to be located on the site, and reducing pavement. The exceptions allow the project to utilize smart growth trends in their proposed project.

RECOMMENDED SPECIAL CONDITIONS FOR VESTING MAJOR TENTATIVE MAP (P-MA2003-1)

1. This recommendation for approval is for a Vesting Major Tentative Map to subdivide a 7.3 acre parcel into 18 parcels (APN 22-24-032). (P)

2. The proposed project shall be conducted in compliance with all applicable federal, state, and local regulations. (P)
3. Prior to City approval of the final map traffic impact fees totaling $81,570.00 shall be submitted to the City. The remaining $20,000.00 in traffic impact fees will be considered paid as provided for in the project's Owner Participation Agreement.
4. Prior to issuance of permits for each building park in-lieu fees in the amount of $4,219.73 per unit shall be submitted to the City ($957,878 spread over the 227 market rate units). The remaining $212,670.00 in park in-lieu fees will be considered paid as provided for in the project's Owner Participation Agreement. (P)
5. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)
6. Prior to final map approval, developer shall obtain approval from the City Engineer of the water, sewer and storm drain studies for this development. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer. (E)
7. Prior to final map approval, the developer shall establish a homeowners association. The homeowners association shall be responsible for the maintenance of the landscaping, walls, private street-lights, common area, private streets, private drainage facilities, and private landscaping, and shall have assessment power. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted for review and approval by the City Engineer. (E)
8. At the time of final map approval, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. In addition, the proposed development within existing flood plains should not increase the 100-year water surface elevation on surrounding properties nor should it increase existing flooding. A flood plain analysis shall be prepared to delineate the post development flood plain depth and lateral extend. All studies shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to final map approval. (E)
9. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in a Special Flood Hazard Zone **AH (BFE 24)**. Therefore, floodproofing is required. Floodproofing can be accomplished either by elevating or floodproofing of the structure and on-site utilities and equipment. Per Chapter 15, Title XI of Milpitas Municipal Code (Ord. No. 209.4) the lowest floor elevation (finished floor) of each structure shall be at least one

foot above the BFE, and the pad elevation shall be at or above the BFE which is approximately at elevation **24** feet NGVD, or the structure be floodproofed to least one foot above the BFE so that the walls are watertight. The structure pad(s) shall be properly designed by a registered civil engineer and compacted to meet FEMA's criterion (currently, 95% relative density by the Standard Proctor test procedure, ASTM D-698). In addition, the pad(s) shall extend beyond the building walls before dropping below the base flood elevation, and shall have appropriate protection from erosion and scour. All electrical equipment, mechanical equipment, and utility type equipment proposed to be installed outside of the structure shall be located above the BFE, or shall be floodproofed, and shall be constructed to prevent damage from flooding events. Any trailers, modular buildings, or pre-manufactured dwelling units located on this site for periods of time greater than one year, shall be adequately anchored to resist flotation, collapse and lateral movements per Floodplain Management Ordinance. The applicant's civil engineer shall complete and submit a FEMA Elevation Certificate to the City prior to final building inspection. The Elevation Certificate shall certify the "as built" lowest floor elevation. Elevation Certificate forms are available from the Engineering Division. Flood insurance is required for any construction that is financed with government backed loans. (E)

10. Prior to final map approval, the developer shall obtain design approval and bond for all necessary public improvements along E. Curtis Avenue and Hammond Way including but not limited to curb and gutter, pavement, sidewalk, signage and striping, street lights, fire hydrants, storm drain, sewer main, water main, service laterals and removal & reconstruction of the existing 60" storm drain line by the easterly property line. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The developer shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. (E)

11. Prior to final map approval, developer shall process and obtain an encroachment permit agreement from the City for the homeowner association to maintain all proposed landscape improvements and pedestrian light fixtures along its Curtis Avenue and Hammond Way frontage. (E)

12. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)

13. In accordance with Milpitas Municipal Code XI-1-7.02-2, the developer shall underground all existing wires on the utility poles number **1 to 13**, with utility poles number **2, 3, 4, 5, 6, 7, 8, 9, 11 and 12** to be removed and pole number **10** relocated, as shown on Engineering Services Exhibit "T" dated 8/26/03, with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more do not have to be undergrounded. All proposed utilities within the subdivision shall also be placed underground. (E)

14. Make changes as noted on Engineering Services Exhibit "T"(dated 8/26/03) and submit a revised tentative map to the Planning Division. (E)

15. The tentative map and final map(s) shall designate all common lots and easements as lettered lots or lettered easements. (E)

16. The final map shall be recorded prior to issuance of any building permit. (E)

17. The developer shall dedicate on the final map necessary public service utility easements, street easements and easements for water and sanitary sewer purposes. (E)

18. The developer shall submit the following items with the building permit application and pay the related fees prior to final inspection (occupancy) by the Building Division: (E)

    a) Water Service Agreement(s) for water meter(s) and detector check(s).

    b) Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.

    Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s).

19. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements. (E)

20. In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, the developer shall: (E)

    a) Provide separate water meters for domestic water service & irrigation service.

    b) Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord No 238). Two sets of landscape documentation packages shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.

    Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process.

21. In accordance with Chapter 5, Title VIII (Ord. No. 238) and Chapter 6, Title VIII (Ord. No. 240) of Milpitas Municipal Code, the developer shall: (E)

    a) Design the common area and Curtis Avenue frontage landscape irrigation for recycled water use. Use of recycled water applies to all existing rehabilitated and/or new landscape area adjacent to existing or future recycled water distribution lines (except for rehabilitated landscaping less than 2500 square feet along the future alignment).

    b) Design the irrigation system for common areas and Curtis Avenue landscaping in conformance to the South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. Prior to building permit issuance the City will submit the plans to the Department of Health Services (DOHS) for approval; this approval requires additional processing time. The owner is responsible for all costs for designing and

installing site improvements, connecting to the recycled water main, and processing of City and Department of Health Services approvals. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain copies of design guidelines and standards.

c) Protect outdoor eating areas from overspray or wind drift of irrigation water to minimize public contact with recycled water. Recycled water shall not be used for washing eating areas, walkways, pavements, and any other uncontrolled access areas.

22. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb one acre or greater, are viewed as a source of pollution and the RWQCB requires a Notice of Intent (NOI) be filed along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the applicant, and approved by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)

23. Prior to the building final of the first building (exclusive of model homes), the applicant shall construct a trash enclosure, designed per the Development Guidelines for Solid Waste Services. City review/approval is required prior to construction of the trash enclosure. (E)

24. Prior to the building final of the first building (exclusive of model homes), the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI: (E)

    a) Maintain an adequate level of service for trash collection.

    b) Maintain recycling services including separate services for beverage containers.

25. After the buildings are occupied, the solid waste service shall be evaluated by a BFI representative to determine the adequacy of the service level. If it is found to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234. (E)

26. Prior to any work within a public right-of-way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)

27. The standard conditions of Engineering Exhibit "B" (dated Jully'96) shall be included with this tentative map, except as modified by the approved special conditions for this tentative map. (E)

RECOMMENDED SPECIAL CONDITIONS FOR S-ZONE (P-SZ2003-1) AND USE PERMIT NO. P-UP2003-2

1. This approval is for a 285-unit multi-family residential development and Use Permit No. P-UP2003-2 to grant exceptions including compact, covered, and off-site parking, setbacks, and open space. (P)

2. The proposed project shall be conducted in compliance with all applicable federal, state, and local regulations. (P)
3. Given the conceptual information submitted regarding several site and architectural aspects, the following shall be submitted to the approval of the Planning Commission Subcommittee prior to building permit submittal: (P)
   a) The applicant shall submit revised building elevations that clearly show all details of the buildings without any conceptual lines and shadows. (P)
   b) The applicant shall submit plans that include revised elevations for the rear (garage façade) of the buildings at the east end of the project (buildings number 10 and 11). (P)
   c) The applicant shall submit plans that include a revised elevation and roofline for the building facing Curtis Avenue in Product A (building no. 4) and for the building facing Parc Lane (building no. 1). (P)
   d) The applicant shall submit plans that include a revised rear (garage) elevation for all buildings to provide increased architectural interest to these building elevations. (P)
   e) The applicant shall submit plans that include the location of bicycle parking in the private recreation area. (P)
   f) The applicant shall submit plans that include a revised recreational building with a recreation/multi-purpose room of a minimum size of 600 square feet. (P)
   g) The applicant shall submit plans that include concrete stamping or incorporate designs and vertical elements to break up expanses in the exterior faces of all perimeter and retaining walls. (P)
   h) The applicant shall submit plans for the decorative paving accents throughout the site. (P)
   i) The applicant shall submit a sun/shadow study to the City for review. (P)
4. Prior to building permit issuance, building permit plans shall include eaves, a minimum of six (6) inches on all buildings. (P)
5. Prior to building permit issuance, building permit plans shall include the locations of building downspouts to the approval of the Planning Division. If downspouts are exposed they shall be designed to blend with the building. (P)
6. Prior to building permit issuance, all color permutations for all buildings shall be submitted to the Planning Division for review and approval. (P)
7. All windows shall be clear or "Special E". (P)
8. Revised building permit plans shall indicate metal awnings, where awnings are proposed. (P)
9. All mechanical equipment and boxes shall be screened from all views (public and private). (P)
10. A revised and detailed landscaping plan shall be submitted and approved by the Planning Commission Subcommittee prior to building permit submittal. Revisions to the plan shall include the following. (P)

a) Accent street trees shall be provided at all main vehicular entrances along Hammond Way and Curtis Avenue.

b) No trees in planters that are 2 feet in width or less unless tree grates are used which will allow for adequate space. In narrow planters adjacent to walls or building, shrubs and vines shall be incorporated into the plan.

c) Uplighting of trees at the entrance to the project from Hammond Way. Removal of uplighting on the west side of Parc Lane.

d) Landscaping shall be included on the west side of Hammond Way, including trees and groundcover.

e) Additional bollard lighting along the entire length of the project frontage along Curtis Avenue and Hammond Way, spaced no further than forty (40) feet apart.

f) An enhanced treatment at the corner of Hammond Way and Curtis Avenue, which could include, but is not limited to, enhanced landscaping, artwork, fountain, trellis, or enhanced identification signage.

g) All trees shall be a minimum size of 24-inch box.

h) Add planters in autocourts/alleys to accommodate increased landscaping opportunities.

i) Remove the street tree that is proposed to be located in front of the sign at the Parc Lane entrance.

j) Removal of pine trees at the front of the trash enclosure. A Cherry tree specie shall be used instead, as this will provide better screening.

k) Support structures shall be provided for all vines and climbing plant material to ensure upright growth in areas that are too small for trees and shrubs.

l) Automatic watering systems shall be provided for all planter areas.

m) Structural (amended) soil shall be used for all landscaping in the public right-of-way.

11. "Diamond" cut planters shall be used in areas where 90 degree parking spaces are proposed. Revised plans shall be submitted and approved by the Planning Division prior to building permit issuance. (P)

12. The landscaping plan shall include climbing plants at the base of the ornamental arches over the courtyard entrances. (P)

13. No fences/gates shall be installed to prevent access to the courtyards from public and private streets to ensure unobstructed pedestrian connections. (P)

14. Prior to issuance of building permits, plans shall show the perimeter wall at the eastern edge of the property be six (6) feet in height and stepped down in height as it approaches Curtis Avenue. (P)

15. Prior to issuance of building permit, plans shall show that all planter areas have an automatic, self-watering system installed. (P)

16. Prior to issuance of building permit, plans shall incorporate unit pavers (decorative and/or permeable) along walkways throughout the site at key intersection points and gathering places. Details shall be provided to ensure quality. (P)
17. All light fixtures, streetlights, landscape and planter areas, including the north side of Curtis Avenue and Hammond Way (west and east sides) shall be maintained in perpetuity by the Homeowner Association. (P)
18. All stormwater facilities shall be maintained on an annual basis, in perpetuity, by the Homeowner Association. Additional stormceptors will be required if one is proved to be inadequate for the site. (P)
19. Prior to building permit issuance, plans shall show that roof downspouts drain to landscape areas where possible. (P)
20. Building permit plans shall include bicycle hooks in each garage. (P)
21. The use of compact parking spaces in garages shall be fully disclosed to all future buyers. This disclosure shall be provided as part of the CC&R's for the development and verified to staff. (P)
22. Prior to issuance of any building permit, submitted building permit plans shall indicate that each uncovered tenant parking space be marked for tenant use only and marked with the corresponding unit number. (P)
23. Low-pressure sodium lamps shall not be used anywhere on the site. White light shall be used throughout the site. (P)
24. Prior to issuance of building permit, plans shall show the use of metal gates on the trash enclosure painted to match the enclosure color. (P)
25. All units that are closest to Curtis Avenue, Hammond Way and the railroad tracks shall have mechanical ventilation. (P)
26. A noise barrier for the patios and decks shall be installed for all units in buildings 29, 30 and 35. In addition, a tall noise barrier shall be installed for the end units (closest to the street) for buildings 31, 32, 33, 34, and 37. The noise barriers shall be designed to meet or exceed the 65 LDN noise standard. Verification shall be provided to staff. (P)
27. No approval for signage is provided at this time. All signage will require further review and approval by the City, as per Section 3 of the Sign Ordinance. (P)
28. Prior to issuance of building permit, plans shall include at least one crosswalk/pedestrian connection from the north side of Curtis Avenue to the south side of Curtis Avenue. (P)

29. Prior to the issuance of any permit, the applicant shall provide documentation to the approval of the City Attorney that the following 58 affordable housing units (20% of proposed units) will be available at a housing cost affordable to very low, low and moderate income households in the following proportions: (H)

Breakdown of income level	Units to be provided
Very Low	18
Low	6
Moderate	34

30. As part of the identified public benefit for this project, prior to issuance of building permits, the following conditions shall be met: (H)

    a) The applicant shall make at least 20% of the 285 for-sale units (allowed in "R-4" district) affordable to those households agreed upon by the applicant and the City as per the breakdown noted in the above matrix.

    b) Prior to occupancy, the applicant shall provide to the City for review and approval, a dispersement plan exhibit illustrating the location of the affordable housing units within the development. The affordable housing units shall be dispersed equally throughout the development and shall contain the same architectural features, design and amenities as the fair market rate units in the development.

31. Income eligibility for the required number of affordable units shall be determined pursuant to the California Health and Safety Code Sections 50079.5, 50093 and 50105, which provide that the very low limits established by the U.S. Department of Housing and Urban Development (HUD) are the state limits for that income category. (H)

32. The applicant and the City of Milpitas shall enter into Restriction Agreements that outline the provisions for maintaining the long-term affordability of the required affordable for-sale units. The Restriction Agreements shall be approved as to form by the Milpitas City Attorney's Office, executed by the City Manager and recorded with the County of Santa Clara. (H)

33. Restriction Agreements shall require that the long-term affordability of the for-sale housing units shall remain in effect for forty-five (45) years. Any change to this requirement is subject to review and approval by the Milpitas City Council. (H)

34. The applicant shall work with the Housing Division staff in establishing and determining the waiting list of eligible residents that are qualified for the project. (H)

35. The established affordable prices for the for-sale units shall be pursuant to income eligibility provided by the California Health and Safety Code Sections 50079.5, 50093 and 50105 which provide that the "very low" limits established by the U.S. Department of Housing and Urban Development (HUD) are the state limits for those income categories and State of California Redevelopment Agency Law. The final for-sale prices established for the units

shall not exceed the maximum allowable prices for "very low" households as defined in the above code sections. Said for-sale prices shall be approved for consistency with the definitions by the Housing Division staff. (H)

(P) – Planning Division
(H) – Housing Division
(E) – Engineering Division

NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances which are not part of the Zoning Ordinance regulations. Do not consider these notes as approval from any Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process in the event of approval.

ENGINEERING DIVISION [For further information regarding the following notes please contact Robert Wang at (408) 586-3327]:

1. Show all existing utilities within and bordering the proposed subdivision, and clearly identify the existing PG&E wire towers and state the wire voltage.
2. Clearly identify the names and widths of all existing public streets and proposed private streets and label all private open space lots/recreation lots.
3. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies, including but not limited to, Pacific Gas and Electric, SBC Telephone, AT&T Broadband, Union Pacific Railroad, Southern Pacific Railroad, Santa Clara Valley Water District, Santa Clara Transportation Agency, San Francisco Water Dept., Caltrans and City of Milpitas Engineering Division. Copies of approvals or permits from other agencies must be submitted to the City of Milpitas Engineering Division.
4. If necessary, developer shall obtain required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 942-3233.
5. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit. These fees are collected as part of the secured public improvement agreement.
6. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), the developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms.
7. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities.

Tentative Map Exhibit "B"
For residential subdivisions with private streets

The recommended special conditions of the tentative map shall supersede the following standard conditions wherever there is a discrepancy.

Standard Conditions:

The subdivider shall be responsible for complying with the following:

Private Street Improvements

a. Improvements are to be constructed per City Standard Drawings, and all streets shall be paved and improved, after utilities are installed, in accordance with City of Milpitas Standard Drawings and Specifications in effect at the time of construction.

b. Pavement design and construction control shall be based on State of California "R" value method, using a minimum traffic index (TI) of 5.

Type	Street Width Curb to Curb
With Parking on both sides	36'
With Parking on one side	28'-32'
With no Parking	26'

c. The back of curb is the designated limit where rolled curbs are used. A minimum of a 4' wide sidewalk shall be constructed on one side of each street.

d. The minimum grade on any street shall not be less than 0.6% and cross slope shall not be less than 2%. The maximum grade shall be in accordance with City Standard Drawing No. 403.

e. Cul-de-sac ends shall have a minimum radius of forty feet to face of curb. Non standard dead-ends shall be approved by the Fire Department. Maximum length of cul-de-sacs shall be 500'.

f. Valley gutters shall not be used to provide drainage across any public street or intersection.

A. Storm Drainage

a. Plans for complete underground storm drainage system in accordance with requirements of City Engineer shall be approved prior to recordation of map. The drainage area is defined as the entire area that currently drains into the proposed subdivision. The system shall be designed to incorporate hydraulic grade lines no higher than 2 feet below the top of curb for the 10-year storm and the top of curb

for the 100-year storm. Storm drains within the subdivision shall be private to the point of connection with public storm drain system. Also, storm drains crossing private property boundary shall be located in a private mutual storm drain easement.

b. Plans for discharge of storm waters into Santa Clara Valley Water District (SCVWD) channels shall be approved by the SCVWD.

c. All storm runoff from roof drains on any residential structure shall be collected by a system to prevent runoff crossing into any adjacent properties.

B. Domestic Water, Sanitary Sewer and Recycle Water Systems (Public Systems)

Plans for water, sanitary sewer and recycle water facilities in accordance with requirements of the City Engineer shall be approved prior to recordation of Final Map. Also, fire hydrant location(s)/spacing shall be per Fire Department requirements.

C. Improvement Plans, Agreements and Bonds

a. Complete improvement plans, specifications and calculations shall be submitted to and approved by the City Engineer for all public improvements, private streets and storm drainage systems within the proposed subdivision prior to recordation of the Final Map.

b. All improvement agreements required in connection with said plans shall be submitted to and approved by City Council prior to recordation of Final Map.

c. Security for faithful performance and labor material each equal to 100% of the approved estimates of construction costs of public improvements shall be approved by City Engineer prior to recordation of the Final Map. Security for private street and private storm drainage construction is not required.

D. Fees and Deposits

All fees and deposits required by the City shall be paid prior to recordation of the Final Map except those which may be paid prior to occupancy/final inspection by the Building Division for any residential dwellings.

E. Miscellaneous

a. If development is to be constructed in phases, master plans for the water mains, sanitary sewers, storm sewers, streetlights and signing and striping must be approved prior to the submittal of an improvement plan. The master plans are subject to review with any requested time extension of the approved Tentative Map.

b. Any existing utilities in conflict with the proposed lot design shall be relocated or replaced as determined by the City Engineer and at subdivider's cost.

c. Public Service Utility Easements (PSUE) are required to include the entire width of the private street, water meter boxes and utility vaults and an additional minimum width of 5' on each side behind back of curb or back of sidewalk.

d. Any existing water wells on the property shall be reviewed by the City Engineer to determine if the well can be utilized by the City for its domestic water system. If use by City is determined, well site shall be dedicated to City. If not, well shall be abandoned in accordance with County Health Department standards/Santa Clara Valley Water District standards.

e. Grading may take place prior to recordation of the Final Map upon issuance of a grading permit by the Building Division.

f. Any necessary off-tract easements to serve the project shall be dedicated concurrently with the Final Map recordation.

g. A grading plan for the entire project shall be submitted and approved by the Building Division and Engineering Division prior to any consideration of improvement plans or master utility plans.

h. Where a masonry wall is required for sound mitigation or access limiting purposes, it shall be located in common areas or on private property, maintenance shall be the responsibility of the homeowners association. Certification of an acoustical engineer is required. Sight distance shall be accommodated as required by the Traffic Engineer.

i. Mailboxes shall be provided as required by US Postal Service; but will not be inspected by the City. Contact the local Postmaster for further information. Structures to protect mailboxes may require Building, Engineering and Planning Division review.

j. Street lighting shall be designed by the subdivider's engineer and inspected by the Building Division. Signed lighting plans shall be submitted to Building Division and designed to a minimum light intensity of safety lighting and street intersection (0.2 average foot candle).

k. On-site landscaping shall be completed prior to occupancy as required by the Planning Division and inspected by the Building Division.

l. Private street monuments shall be protected by boxes and covers.

m. Certification of all private streets/utilities/facilities by the developer's engineer is required prior to acceptance of the improvement for the tract (occupancy). The developer's engineer shall certify that the improvements are constructed per the approved plans.

n. Prior to occupancy of any dwelling in the subdivision, all public and private improvements, including street lighting and signing (street names, etc.) and striping, shall be constructed and completed.

BUILDING DIVISION [For further information regarding the following notes please contact Veronica Valenti at (408) 586-3341]:

1. Applicable codes shall be 2001 CBC, CMC, CPC, CEC, California Energy Code, CFC and 2002 Milpitas Municipal Code.

2. A preliminary meeting is available for code questions. Please contact Senior Plan Check Engineer, Keyvan Irannejad for an appointment at (408) 586-3244 before applying for a building permit.
3. Allowable building area for buildings shall be as per 2001 CBC, Section 504. Basic allowable building height, number of stories and basic allowable area shall be as per Table 5B.
4. Residential buildings are classified as group R1 occupancy and garage as group U-1 occupancy as per 2001 CBC Sections 310 and 312.
5. Condominium buildings shall be no less than one-hour fired rated as per 2001 CBC Section 310.2.2.
6. Walls and floors separating dwelling units are required to be one-hour fire resistive construction as per 2001 CBC Section 310.2.2.
7. As a minimum, a one-hour occupancy separation is required between R1 and U-1 as per 2001 CBC, Table 3-B.
8. Area separation wall shall be provided with parapet as per Sec.504.6.4.
9. Area separation wall shall extend to the property lines as assumed property line and opening protection and walls fire rating shall be provided with respect to that assumed property line.
10. Roofing material shall be as per 2001 CBC, Table 15-A.
11. Recreation building shall be accessible as per 2001 CBC, Sections 101.17.11 and 1103B.
12. Accessible parking for people with disabilities shall be provided for recreation building as per 2001 CBC Section 1129B. Accessible parking spaces shall be dispersed and located closest to the accessible entrances. One in every eight accessible parking spaces shall be " Van accessible ", but not less than one as per sec. 11129B.4.2.
13. Parking spaces shall be so located that persons with disabilities are not compelled to wheel or walk behind parked cars other than their own as per 2001 CBC, Section 1129B.4.3.
14. Accessibility signs shall be provided at every primary public entrance and at every major junction along or leading to an accessible route of travel and at building entrance that is accessible as per 2001 CBC Section 1127B.3.
15. An accessible route of travel shall be provided to the recreation building entrance. At least one accessible route from public transportation, accessible parking and the public street shall be provided to the building entrance as per 2001 CBC Section 1114B.1.2.
16. All primary entrances and required exit doors shall be accessible to people with disabilities as per 2001 CBC, Section 1133B.1.1.1.
17. Any elevator in the recreation building shall be accessible as per 2001 CBC Sections 1116B.1.
18. Bathrooms and shower in recreation building shall be accessible as per 2001 CBC, Section 1115B.

19. Public -use and common-use areas shall be accessible as per 2001 Section 1105A.
20. A soil report shall be provided when applying for grading, site improvement and building permit.
21. Any paving shall comply with the 2002 Milpitas Municipal Code Section II-13-18. All non-structural concrete flat work shall be as per 2002 Milpitas Municipal Code Section II-13-17.05.
22. Erosion control plan shall be submitted when applying for a grading permit as per 2002 Milpitas Municipal Code.
23. The developer shall include interim erosion control provisions and schedules in the construction plans for areas, which will not have permanent erosion control features installed (such as landscaping) prior to any occupancy so that erosion and sediment control can be sustained through the rainy season as per 2002 Milpitas Municipal Code Section II-13-11.

FIRE DEPARTMENT [For further information regarding the following notes please contact Jaime Garcia at (408) 586-3369]:

1. The 2001 triennial edition of the California Code of Regulations, Title 24 (California Building Standards Code) applies to all occupancies that apply for a building permit on or after November 1, 2002, and remains in effect until the effective date of the 2004 triennial edition.
2. Submitted drawings are not reviewed nor approved for fire permits and construction. These notes are provided to assist with the Fire Department permit process.
3. Adjacent Access. No source of access from lands adjoining a property to be developed shall be considered unless there is obtained the irrevocable and unobstructed right to use same. Section 902, California Fire Code as amended by Milpitas Municipal Code V-300-2.01.
4. Access roads shall meet or exceed the requirements of the California Fire Code, Milpitas Municipal Code and Guidelines for fire access by the Milpitas Fire Department. North Parc Drive shall be a minimum of 34 feet in width (20' dedicated for driveway and 7' dedicated for parallel parking at each side).
5. The turning radius for fire apparatus access roads shall be as approved by the Milpitas Fire Department. The turning radius for the intersection of Parc North Dr & East Lane, and Parc North Dr & Parc Lane shall not be less than 47 feet 6 inches for the outside radius and 24 feet 6 inches for the inside radius. The layout for the outside and the inside radius shall be from the same reference point.
6. An approved water supply capable of supplying the required fire flow for fire protection shall be provided. Appendix III-A shall be used as the basis for determining fire flow, section 903.2, 903.3, California Fire Code. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street and on site as required and approved by the Fire Department. Section 903.4.2, California Fire Code.

7. The location and quantify of hydrants located on the street (public streets) will be determined by the Fire Department. Sections 903.4.2, 1001.10 California Fire Code. A total of 4 hydrants shall be provided on Curtis Ave. (North side of street, between project limits). 1 hydrant shall be provided on Hammond Way (East side of the street, between project limits). Contact the fire department for specific locations.
8. The location and quantity of on site hydrants will be determined by the Fire Department. Sections 903.4.2, 1001.10, California Fire Code. A total of 3 hydrants shall be provided on Parc North Dr. Contact the fire department for specific locations.
9. The location and quantity of on site "wet" standpipes will be determined by the Fire Department. In general (but not limited to), a standpipe will be required at the end of each garage driveway. Final location, quantity, and type/size will be determined by the Fire Department. Sections 903.4.2, 1001.10, California Fire Code.
10. No parking is permitted in front of fire hydrants and/or standpipes. Hydrants located on street (public or private street) shall have an unobstructed clearance of not less than 30 feet per Vehicle Code 22513, California Fire Code Section 901.4.3. Fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions. Section 901.4.3, California Fire Code.
11. Fire apparatus access roads shall be maintained clean and unobstructed. The Fire Department will designate the location of approved signage and/or curb painting to identify such roads and prohibit obstruction. Section 901.4.2, California Fire Code.
12. A 3 feet clear space shall be maintained around the circumference of fire appliances. Section 1001.7.2, California Fire Code.
13. General comment for future buildings. For the purpose of determining the requirement for automatic fire sprinkler protection "floor area" shall mean the sum of the square footage to include basement and all stories within the surrounding exterior walls of the structure. Floor area shall also include the sum of all horizontal projections of the roof or other projections beyond the exterior walls of the structure. For structures, or portions of structures, not provided with exterior walls, the floor area shall be the sum of the area under the horizontal projections of the roof. For the purpose of this Section, Area Separation Walls shall not define separate buildings. EXCEPTION: Four hour rated area separation walls with no openings. Section 1003.1.1.4, CFC as amended by the Milpitas Municipal Code V-300-2.01
14. General comment for future buildings. An automatic fire extinguishing (sprinkler) system shall be installed throughout the building(s) as required by Section 1003, California Fire Code. In addition, the Milpitas Municipal Code (V-300-2.45) has the following requirements for the installation of an automatic fire-extinguishing system. In all buildings hereafter constructed three or more stories, or 35 feet in height, or 10,000 square feet or more in area or having a Fire Flow of greater than 2,000 gallons per minute. Appendix III-A shall be used as the basis for determining Fire Flow. Per Appendix III-A, type V-N construction is limited to 6,200 square feet total area. See comment above for floor area defined.
15. For occupancies of an especially hazardous nature or where special hazards exist in addition to the normal hazard of the occupancy, or where access for fire apparatus is unduly difficult,

the chief in authorizes to require additional safeguards consisting of additional fire appliance units, more than one type of appliance, or special systems suitable for the protection of hazard involved. Per the California Fire Code Sections 1001.9 and 1001.10.

Parc North Conformance with the Midtown Specific Plan
September 10, 2003

This attachment is provided to reflect the conformance of the Parc North residential project with the Midtown Specific Plan and Design Guidelines

Conformance with the Midtown Specific Plan

All projects proposed within the Midtown Area are subject to a Site and Architectural Review (S-Zone Review), in accordance with Chapter 42 of the City's Zoning Ordinance. In addition to the usual S-Zone process of reviewing projects for conformance with the City's General Plan and Zoning Ordinance, no S-Zone approval shall be granted by the City without the decision-making body making the following finding.

"The proposed project conforms to the intent and the specific requirements of the Midtown Specific Plan, including the Development Standards and Design Guidelines."

The project conforms with the following Midtown Plan goals and policies:

Land Use Goal 2, which aims to provide new housing in the Midtown Area to improve vitality, reinforce transit, and address local and regional housing needs. The proposed project will add 285 new housing units to the Midtown area, in a high-density, multi-family setting. In addition, the project will incorporate bicycle and pedestrian connections to existing and future facilities.

Land Use Goal 3, which promotes an intensity of development appropriate to its central location. As the majority of the City is developed at low density, a goal of the Midtown Plan is for developments to be at a high density and able to support transit. As proposed, the project is proposing a density of 31 DU/acre - a number higher than all other existing developments throughout the City.

Residential Policy 3.4, which establishes a minimum density of 31 units per gross acre in the very-high, multi-family density area. As proposed the project will be at a density of 31 units per gross acre, thus meeting this residential policy of the Midtown Specific Plan.

Residential Policy 3.5, which provides housing for all income levels throughout the Midtown area and ***Residential Policy 3.6,*** affordable housing units should be provided with new housing developments. As proposed, 18 very low, 6 low, and 34 moderate-income affordable units are interspersed throughout the project.

Residential Policy 3.7, integrate affordable units within market-rate development, ensuring that affordable units are architecturally integrated and indistinguishable from market rate units. The applicant is proposing to locate affordable units throughout the project, mixed with market rate units and keeping the same architectural appearance. Because the units will be attached to each other and comprise a singular, larger building, the affordable units will appear identical to the market rate units.

Park and Open Space Policy 3.24 which requires that new residential developments provide public parks at a ratio of 3.5 acres per 1,000 persons, of which up to 1.5 acres per 1,000 persons can be developed as private or common open space. As proposed the project would require 2.68 acres of public parks. By implementing ***Park and Open Space Policy 3.25,*** which allows the developer to provide improved linear parks, the project, with 1.15 acres for private or common space, .38 acres of public park/trail, and the remainder as an in-lieu fee, the project meets this policy.

Circulation Goal 1, which strives to improve the viability of pedestrian, bicycle and transit systems. As mentioned previously, the project will incorporate a pedestrian and bicycle trail along the frontage of Curtis Avenue, which will eventually connect to a proposed pedestrian/bicycle bridge over the existing railroad tracks. In addition, the project will provide a sidewalk along their Hammond Way frontage. The majority of the new trails will incorporate landscaping to encourage use of the facilities.

Street System Policy 4.5 to maintain an interconnected pattern of streets within the Midtown Area and to ensure that new streets are pedestrian in scale and interconnected with the existing street system. While the projects' main entrance does not align with Comet Drive, the entrance does align with another access to form a complete intersection which would allow for future traffic improvements if ever needed. In addition, the eastern half of Curtis Avenue will be reduced in width with landscaping and parking added which will promote a more pedestrian environment.

Street System Policy 4.8 which increases street capacity where feasible to accommodate vehicular demand while maintaining reasonable pedestrian crossing distances at intersections and minimizing potential vehicle conflicts for bicyclists. The project proposes to add two lanes on Curtis Avenue west of Comet Drive to accommodate larger volumes of traffic that would be added from surrounding and future development including mall traffic and vacant parcels further east. In addition, the project will incorporate a new bicycle and pedestrian trail adjacent to the site.

Parking Policy 4.19 ensures that new development complies with City of Milpitas Zoning Ordinance requirements for off-street parking. The proposed project is requesting parking exceptions including compact stalls, tandem parking and street parking to meet zoning requirements. Further discussion is provided in the exception section of the staff report.

Community Design Goal 4 which strives to improve the character of streets in the area. The project is proposing to upgrade Curtis Avenue through new landscaping, trees, and establishing a pedestrian/bicycle trail (where there was neither) along the northern edge of Curtis Avenue.

In addition to the aforementioned goals and policies of the Midtown Plan, projects are to comply with the various Design Guidelines contained in the plan. The following table shows how the proposed project does or does not comply with the design guidelines of the Midtown Specific Plan:

Midtown Plan Design Guidelines	Proposed Project	Mandatory or Discretionary	Complies?
Street pattern maximizing connectivity for both autos and pedestrians (Chapter 8.A.1.a) **Streets near Curtis Avenue should orient in a grid pattern (Chapter 8.A.1.d)**	Provides streets in a grid pattern and provides pedestrian connections in north-south and east-west directions	Discretionary	Yes
Block lengths should not exceed 400 feet and should have some form of publicly-accessible pathway at least every 200 feet. (Chapter 8.A.1.e)	Block lengths exceed 400 feet	Discretionary	No
Building facades should include street facing entries, recessed windows, and articulation. (Chapter 8.A.2.c)	Buildings have entrances directly off of Curtis Avenue. Buildings provide roof articulation and façade pop-outs and recesses.	Discretionary	Yes
To mitigate the effects of adjacent service commercial or light industrial uses, increased setbacks and other measures, such as a solid 6 foot fence or masonry wall, should be considered. (Chapter 8.A.2.d)	Retaining wall at rear of the site and wall on the eastern perimeter to separate industrial uses.	Discretionary	Yes
Vehicular access from curbcuts or accessways provided directly from the street. (Chapter 8.A.2.e)	Access from private streets to Curtis and Hammond	Discretionary	Yes
Street-facing surface parking lots discouraged. (Chapter 8.A.2.f)	None proposed	Discretionary	Yes
Security gates prohibited. (Chapter 8.A.2.i)	None proposed	Mandatory	Yes
Limited visibility of off-street parking facilities. (Chapter 8.A.3.a)	Parking in the center of the project, obscured from views.	Discretionary	Yes
Parking should be below grade or encapsulated into the building to reduce visual impact. (Chapter 8.A.3.c)	Garages are subsurface and a part of the building.	Discretionary	Yes

Midtown Plan Design Guidelines	Proposed Project	Mandatory or Discretionary	Complies?
Landscaped areas should be protected with planter curbs. (Chapter 8.A.3.g)	As proposed, except areas in alleys.	Discretionary	No
All perimeter setback areas should be landscaped. (Chapter 8.A.3.h)	The eastern boundary has a private street and wall, to allow for a future shared street.	Discretionary	No
Broadleaf, deciduous trees should be used to allow shade in the summer and sunlight in the winter. (Chapter 8.A.3.j)	Palm trees at key locations proposed to tie into Parc Metro project.	Discretionary	No
Trees to be set in tree grates or 4-foot wide planters. (Chapter 8.A.3.k)	Some trees are located in planter areas less than 4 feet.	Discretionary	No
Permeable or alternative materials to reduce runoff is encouraged in parking areas. (Chapter 8.A.3.l)	None proposed	Discretionary	No
Adequate bicycle parking spaces should be provided. (Chapter 8.A.3.m) **Bicycle parking should be secured and weather protected. (Chapter 8.A.3.n)**	Proposed in every garage.	Discretionary	Yes
Service alleys or auto courts should incorporate design features to improve the appearance. (Chapter 8.A.4.a)	Stamped and stenciled concrete inlays and landscaping are proposed for alleys	Discretionary	Yes
Landscaping between garages should be planted between every unit. (Chapter 8.A.4.b)	Proposed where adequate space	Discretionary	No
Parking podium – maximum of 5 feet above grade. (Chapter 8.A.4.c)	No more than 5 feet	Discretionary	Yes
Vehicular entries at sides or rear, not front. (Chapter 8.A.4.d)	Entries at rear and sides	Discretionary	Yes
For multiple podium buildings, shared driveways should be provided. (Chapter 8.A.4.e)	Use of shared driveways throughout the site	Discretionary	Yes

Midtown Plan Design Guidelines	Proposed Project	Mandatory or Discretionary	Complies?
Buildings should be oriented towards the street. (Chapter 8.B.1.a)	Building massed along Curtis and Hammond with entries facing Curtis.	Discretionary	Yes
Exterior walls should be articulated with consistent style and materials. (Chapter 8.B.2.a)	Consistent use of material and architecture throughout	Discretionary	Yes
No blank walls. (Chapter 8.B.2.b)	None proposed	Mandatory	Yes
Building articulation with varying roof heights and vertical planes. (Chapter 8.B.2.c)	Varying roof lines, and façade pop-outs and recesses	Discretionary	Yes
Building should have a defined base and recognizable top. (Chapter 8.B.2.d)	Building tops have roof overhangs, makes use of tile accents.	Discretionary	Yes
Building entries emphasized with special architectural and landscape treatment. (Chapter 8.B.2.e)	All entries have architectural features emphasizing the entrance	Discretionary	Yes
Use of balconies is encouraged for multi-family units (Chapter 8.B.2.g) **Upper story setbacks are encouraged – min. of 6 feet (Chapter 8.B.2.h)**	Balconies and setbacks are proposed for Product B.	Discretionary	Yes
Window and window frames should be set in the wall to provide a reveal. (Chapter 8.B.3.b)	Not all windows provide a reveal	Discretionary	No
Multi-paned windows are strongly encouraged. (Chapter 8.B.3.e)	Multi-paned windows are proposed	Discretionary	Yes
Snap-in plastic mullions are prohibited. (Chapter 8.B.3.f)	None proposed	Mandatory	Yes, COA
Reflective or tinted glazing on windows is prohibited. (Chapter 8.B.3.g)	None proposed	Mandatory	Yes, COA
Visible windows should have appropriately articulated header, jamb and sill details. (Chapter 8.B.3.h)	Yes	Discretionary	Yes

Midtown Plan Design Guidelines	Proposed Project	Mandatory or Discretionary	Complies?
Windows should have a height greater than or equal to its width. (Chapter 8.B.3.i)	None proposed to be less.	Discretionary	Yes
Bars and security grills on windows and doors are prohibited. (Chapter 8.B.3.k)	None proposed	Mandatory	Yes.
Doorways should be clearly identified with change in material, plane, or elements such as a canopy where appropriate. (Chapter 8.B.3.l)	Door material is different, trellises and arches proposed over doorways.	Discretionary	Yes
High quality materials. (Chapter 8.B.4.a) **Durable and permanence materials (Chapter 8.B.4.b)**	As proposed	Discretionary	Yes
Woodboard siding, shingles, tile, stucco and masonry should be used. (Chapter 8.B.4.c)	Stucco, tile and wood material proposed	Discretionary	Yes
Primary exterior finish should be used on all sides. (Chapter 8.B.4.d)	Consistency throughout the building	Discretionary	Yes
Roof materials should complement facades and provide texture and relief. (Chapter 8.B.4.f)	Concrete tile roofs proposed	Discretionary	Yes
Color should be muted and light in tone, accents and details in darker tones. (Chapter 8.B.5.a) **Roofs in mid to dark tones. (Chapter 8.B.5.b)** **Bright and pastel primary colors are not appropriate. (Chapter 8.B.5.c)** **Rain gutters and down spouts should be integrated into walls or color should blend with surfaces. (Chapter 8.b.5.d)**	Neutral and earth tones for the building, darker for the details and roofs.	Discretionary	Yes, COA

Midtown Plan Design Guidelines	Proposed Project	Mandatory or Discretionary	Complies?
Shallow pitch roofs with deep eaves are encouraged. (Chapter 8.B.6.a) **Roof slope should not be less than 4:12 and greater than 8:12. (Chapter 8.B.6.b)**	Roof slope is 4:12	Discretionary	Yes
Eaves should be no less than 18 inches deep. (Chapter 8.B.6.d)	Eave depth varies from 0 to 12 inches	Discretionary	No
Landscaping on front and side setback, unit pavers for walkways. (Chapter 8.C.1.a)	No unit pavers for walkways	Discretionary	No
Full landscaping should be provided for multi-family buildings. (Chapter 8.C.1.b)	Full landscaping provided	Discretionary	Yes
Pedestrian walkways should be heavily landscaped. (Chapter 8.C.2.a)	All walkways have landscaping	Discretionary	Yes
Unit pavers at key gathering areas or intersections of paths. (Chapter 8.C.2.b)	None provided	Discretionary	No
Vehicular accessways should be landscaped similar to adjacent streets (typ. 20-30 OC). (Chapter 8.C.2.c)	Trees provided, 15 on center	Discretionary	Yes
End of residential drive aisles, 6 foot wide planting bed with significant plantings. (Chapter 8.C.2.e)	Significant planting not provided at each end aisle, due to fire department access needs, and space constraints.	Discretionary	No
Lights designed and placed appropriately. (Chapter 8.C.5.a)	Appropriate lighting throughout site, no glare.	Discretionary	Yes
White light should be provided. (Chapter 8.C.5.b)	To be provided	Discretionary	Yes, COA
Low pressure sodium lamps are prohibited. (Chapter 8.C.5.c)	None proposed	Mandatory	Yes
Pedestrian light standards should not exceed 16 feet. (Chapter 8.C.5.d)	Pedestrian light standards do not exceed 16 feet.	Discretionary	Yes

Midtown Plan Design Guidelines	Proposed Project	Mandatory or Discretionary	Complies?
Uplighting to accent interesting architecture features or landscaping is encouraged. (Chapter 8.C.5.e)	To be provided	Discretionary	Yes, COA
Building should be articulated to break up the building mass. (Chapter 8.D.2.a)	Roof lines are articulated, pop outs and recesses, different facades are proposed	Discretionary	Yes
Street facing facades should include stoops, porches, recessed windows, etc. (Chapter 8.D.2.b)	Stoops, porches, patios, recessed windows are proposed for street facing elevations	Discretionary	Yes
Ground floor units facing the street should be accessed directly from the street. (Chapter 8.D.2.c)	As proposed	Discretionary	Yes
First floor no more than 5 feet above the sidewalk. (Chapter 8.D.2.d)	First floors do not exceed 5 feet above walkways	Discretionary	Yes
Porches, bays and balconies are required along street facades. Required along at least 30% of the ground level of each unit.	Decks, patios, and porches are provided at more than 30%	Mandatory	Yes

FINDINGS AND RECOMMENDED CONDITIONS OF APPROVAL

VESTING MAJOR TENTATIVE MAP NO. P-MA2003-1

Application to subdivide a single 7.3 acre parcel into 18 parcels for a 285-unit multi-family residential development (Parc North).
95 East Curtis Avenue (APN: 086-25-024)

Planning Commission Meeting: September 10, 2003

FINDINGS FOR APPROVAL

1. The proposed Parc North Vesting Major Tentative Map is in conformance with the General Plan as it is subdividing land into smaller parcels to accommodate a high density housing project.
2. The proposed Vesting Major Tentative Map is in conformance with the Zoning Ordinance density and based on the Planning Commission's approval of P-UP2003-2, the zoning ordinance development standards.
3. The proposed Vesting Major Tentative Map is consistent with the State Subdivision Map Act and the Subdivision Ordinance, as it is consistent with General Plan principles including:
   a) *2.a-G-2,* Compact development and higher densities;
   b) *2.a-G-3,* Variety of housing types;
   c) *2.a-G-5,* Park-like setting;
   d) *2.a-G-6,* Implementation of Midtown Specific Plan goals, policies and development standards.

   It is also consistent with the following General Plan policies including:
   a) *2.a-I-1,* Developments within building intensity limits;
   b) *2.a-I-2,* In-fill development in the incorporated City limits;
   c) *2.a-I-22,* Development of the Midtown area as an attractive and economically vital district.
4. The proposed project is exempt from further environmental review pursuant to Article 8, Section 65457 of the State Planning and Zoning Law.

RECOMMENDED CONDITIONS OF APPROVAL

1. This recommendation for approval is for a Vesting Major Tentative Map to subdivide a 7.3 acre parcel (APN 22-24-032). (P)
2. The proposed project shall be conducted in compliance with all applicable federal, state, and local regulations. (P)
3. Prior to City approval of the final map traffic impact fees totaling $81,570.00 shall be submitted to the City. The remaining $20,000.00 in traffic impact fees will be considered paid as provided for in the project's Owner Participation Agreement.

4. Prior to issuance of permits for each building park in-lieu fees in the amount of $4,219.73 per unit shall be submitted to the City ($957,878 spread over the 227 market rate units). The remaining $212,670.00 in park in-lieu fees will be considered paid as provided for in the project's Owner Participation Agreement. (P)

5. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)

6. Prior to final map approval, developer shall obtain approval from the City Engineer of the water, sewer and storm drain studies for this development. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer. (E)

7. Prior to final map approval, the developer shall establish a homeowners association. The homeowners association shall be responsible for the maintenance of the landscaping, walls, private street lights, common area, private streets, private drainage facilities, and private landscaping, and shall have assessment power. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted for review and approval by the City Engineer. (E)

8. At the time of final map approval, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. In addition, the proposed development within existing flood plains should not increase the 100-year water surface elevation on surrounding properties nor should it increase existing flooding. A flood plain analysis shall be prepared to delineate the post development flood plain depth and lateral extend. All studies shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to final map approval. (E)

9. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in a Special Flood Hazard Zone **AH (BFE 24)**. Therefore, floodproofing is required. Floodproofing can be accomplished either by elevating or floodproofing of the structure and on-site utilities and equipment. Per Chapter 15, Title XI of Milpitas Municipal Code (Ord. No. 209.4) the lowest floor elevation (finished floor) of each structure shall be at least one foot above the BFE, and the pad elevation shall be at or above the BFE which is approximately at elevation **24** feet NGVD, or the structure be floodproofed to least one foot above the BFE so that the walls are watertight. The structure pad(s) shall be properly designed by a registered civil engineer and compacted to meet FEMA's criterion (currently, 95% relative density by the Standard Proctor test procedure, ASTM D-698). In addition, the pad(s) shall extend beyond the building walls before dropping below the base flood elevation, and shall have appropriate protection from erosion and scour. All electrical equipment, mechanical equipment, and utility type equipment proposed to be installed outside of the structure shall be located above the BFE, or shall be floodproofed, and shall be constructed to prevent damage from flooding events. Any trailers, modular buildings, or pre-manufactured dwelling units located on this site for periods of time

greater than one year, shall be adequately anchored to resist flotation, collapse and lateral movements per Floodplain Management Ordinance. The applicant's civil engineer shall complete and submit a FEMA Elevation Certificate to the City prior to final building inspection. The Elevation Certificate shall certify the "as built" lowest floor elevation. Elevation Certificate forms are available from the Engineering Division. Flood insurance is required for any construction that is financed with government backed loans. (E)

10. Prior to final map approval, the developer shall obtain design approval and bond for all necessary public improvements along E. Curtis Avenue and Hammond Way including but not limited to curb and gutter, pavement, sidewalk, signage and striping, street lights, fire hydrants, storm drain, sewer main, water main, service laterals and removal & reconstruction of the existing 60" storm drain line by the easterly property line. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The developer shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. (E)
11. Prior to final map approval, developer shall process and obtain an encroachment permit agreement from the City for the homeowner association to maintain all proposed landscape improvements and pedestrian light fixtures along its Curtis Avenue and Hammond Way frontage. (E)
12. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
13. In accordance with Milpitas Municipal Code XI-1-7.02-2, the developer shall underground all existing wires on the utility poles number **1 to 13**, with utility poles number **2, 3, 4, 5, 6, 7, 8, 9, 11 and 12** to be removed and pole number **10** relocated, as shown on Engineering Services Exhibit "T" dated 8/26/03, with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more do not have to be undergrounded. All proposed utilities within the subdivision shall also be placed underground. (E)
14. Make changes as noted on Engineering Services Exhibit "T"(dated 8/26/03) and submit a revised tentative map to the Planning Division. (E)
15. The tentative map and final map(s) shall designate all common lots and easements as lettered lots or lettered easements. (E)
16. The final map shall be recorded prior to issuance of any building permit. (E)
17. The developer shall dedicate on the final map necessary public service utility easements, street easements and easements for water and sanitary sewer purposes. (E)
18. The developer shall submit the following items with the building permit application and pay the related fees prior to final inspection (occupancy) by the Building Division: (E)

    a) Water Service Agreement(s) for water meter(s) and detector check(s).

    b) Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.

    Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s).

19. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements. (E)

20. In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, the developer shall: (E)

    a) Provide separate water meters for domestic water service & irrigation service.

    b) Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord. No. 238). Two sets of landscape documentation packages shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.

    Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process.

21. In accordance with Chapter 5, Title VIII (Ord. No. 238) and Chapter 6, Title VIII (Ord. No. 240) of Milpitas Municipal Code, the developer shall: (E)

    a) Design the common recreation area and Curtis Avenue frontage landscape irrigation for recycled water use. Use of recycled water applies to all existing rehabilitated and/or new landscape adjacent to existing or future recycled water distribution lines (except for rehabilitated landscape less than 2500 square feet along the future alignment).

    b) Design the irrigation system for common recreation area and Curtis Avenue landscaping in conformance to the South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. Prior to building permit issuance the City will submit the plans to the Department of Health Services (DOHS) for approval; this approval requires additional processing time. The owner is responsible for all costs for designing and installing site improvements, connecting to the recycled water main, and processing of City and Department of Health Services approvals. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain copies of design guidelines and standards.

    c) Protect outdoor eating areas from overspray or wind drift of irrigation water to minimize public contact with recycled water. Recycled water shall not be used for washing eating areas, walkways, pavements, and any other uncontrolled access areas.

22. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb one acre or greater, are viewed as a source of pollution and the RWQCB requires a Notice of Intent (NOI) be filed along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the applicant, and approved by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)

23. Prior to occupancy permit issuance, the applicant shall construct a trash enclosure, designed per the Development Guidelines for Solid Waste Services. City review/approval is required prior to construction of the trash enclosure. (E)

24. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI: (E)

    a) Maintain an adequate level of service for trash collection.

    b) Maintain recycling services including separate services for beverage containers.

25. After the buildings are occupied, the solid waste service shall be evaluated by a BFI representative to determine the adequacy of the service level. If it is found to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234. (E)

26. Prior to any work within a public right-of-way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)

27. The standard conditions of Engineering Exhibit "B" (dated Jully'96) shall be included with this tentative map, except as modified by the approved special conditions for this tentative map. (E)

28. Prior to final map recordation, the developer shall prepare and submit condominium plans for City review. (E)

Lockheed Residential Transportation Impact Analysis

Prepared for:

The City of Milpitas and RGC Courthomes

Prepared by:

Hexagon Transportation Consultants, Inc.

April 1, 2003

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Executive Summary

The purpose of this report is to analyze the transportation impacts of the proposed residential project located north of Curtis Avenue and east of Hammond Way. A large warehouse currently occupies the existing site. As proposed, the project would replace the existing uses with approximately 305 townhomes. Access to the site would be provided via driveways on Hammond Way and Curtis Avenue.

The proposed project's impacts were evaluated in accordance with Congestion Management Program, City of Milpitas, and City of San Jose guidelines at 19 intersections during the AM and PM peak commute hours. The signalized intersections were evaluated using the *1985 Highway Capacity Manual* methodology and TRAFFIX software.

Trip Generation. The trip generation rates used were those published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 6th Edition*. It was estimated that the project would generate 124 AM peak hour trips, 154 PM peak hour trips, and 1,681 daily trips. The proposed project's trip distribution pattern was estimated based on a previous traffic impact analyses. The trips generated by the proposed development were then assigned to the roadway network based on this directional distribution.

Intersection Impacts and Mitigation. The project would not result in any adverse significant impacts at the study intersections. However, to account for the cumulative impacts of new development traffic on existing deficient intersections, the City of Milpitas requires projects to pay their "fair share" of the traffic improvement costs. Currently, the City and County have plans to widen Montague Expressway. Since the proposed project would contribute traffic to deficient intersections on Montague Expressway, it would be required to make a monetary contribution toward the Montague improvements. In addition to improvements on Montague Expressway, the City is currently planning improvements to the intersection of Main Street and Carlo Way. This intersection is projected to degrade to unacceptable levels of service when the Milpitas mid-town specific plan is built out. A traffic signal is planned at this location. The proposed project would contribute traffic to the Main/Carlo intersection. For this reason, the proposed project would have a cumulative impact on this intersection and will be required to contribute its "fair share" monetarily towards the planned improvements.

Impacts to Alternative Modes. The proposed project's impacts to existing bicycle, transit, and pedestrian facilities were also evaluated as part of this study. Although the development would increase the demand for such facilities, it would not result in any adverse significant impacts.

Table ES 1
Signalized Intersection Levels of Service Summary

Intersection	Peak Hour	Count Date	Existing Ave. Delay	Existing LOS	Background Ave. Delay	Background LOS	Project Conditions Ave. Delay	Project Conditions LOS	Project Conditions Incr. In Crit Delay	Project Conditions Incr. In Crit V/C	Future Growth Ave. Delay	Future Growth LOS
Signalized Intersections												
Abel Street and Calaveras Boulevard*	AM	8/1/2002	37.4	D	38.3	D	38.3	D	0.0	0.000	53.0	E
	PM	10/30/2001	37.6	D	38.4	D	38.4	D	0.0	0.000	52.3	E
I-880 NB Ramps and Great Mall Parkway	AM	1/21/2003	20.5	C	21.5	C	21.6	C	0.2	0.007	24.3	C
	PM	1/21/2003	17.6	C	18.4	C	18.9	C	0.4	0.007	23.3	C
Abel Street and Great Mall Parkway	AM	1/22/2003	20.5	C	21.0	C	21.2	C	0.4	0.015	22.7	C
	PM	1/22/2003	19.5	C	19.5	C	19.5	C	0.0	0.004	20.2	C
I-880 SB Ramps and Tasman Drive	AM	1/22/2003	22.9	C	24.1	C	24.3	C	0.2	0.004	32.5	D
	PM	1/22/2003	15.5	C	15.6	C	15.7	C	0.1	0.008	16 6	C
McCarthy Boulevard and Tasman Drive	AM	1/23/2003	16.7	C	17.1	C	17.2	C	0.1	0.002	21.7	C
	PM	1/22/2003	14.3	B	14.5	B	14.6	B	0.0	0.003	15.5	C
Alder Drive and Tasman Drive	AM	1/21/2003	22.8	C	22.8	C	24.2	C	2.0	0.004	48.2	E
	PM	1/21/2003	20.1	C	25.6	D	26.2	D	0.8	0.006	41.2	E
Main Street and Great Mall Parkway	AM	1/23/2003	14.4	B	14.4	B	15.1	C	0.9	0.017	15.5	C
	PM	1/23/2003	15.6	C	15.6	C	15.9	C	0.4	0.014	16.2	C
Milpitas Boulevard and Montague Expressway*	AM	1/23/2003	27.5	D	26.4	D	26.5	D	0.1	0.001	27.4	D
	PM	9/25/2001	138.7	F	143.7	F	145.9	F	1.9	0.002	217.9	F
Great Mall Pkwy/Capitol Ave and Montague Expwy*	AM	1/23/2003	31.6	D	32.5	D	32.8	D	0.1	0.002	32.9	D
	PM	9/26/2001	44.5	E	46.9	E	47.0	E	3.4	0.047	58.9	E
Main St/Oakland Rd and Montague Expwy*	AM	1/23/2003	54.0	E	54.7	E	56.5	E	2.8	0.010	77.4	F
	PM	10/2/2001	84.7	F	86.4	F	88.8	F	0.7	0.001	141.5	F
McCarthy Blvd/O'toole Ave and Montague Expwy*	AM	1/23/2003	28.3	D	28.5	D	28.5	D	0.0	0.003	29.9	D
	PM	10/23/2001	62.7	F	63.6	F	64.0	F	0.0	0.001	121.0	F
Main Street and Serra Way	AM	4/9/2002	4.1	A	4.1	A	4.1	A	0.0	0.002	4.2	A
	PM	4/10/2002	6.7	B	6.7	B	6.8	B	0.0	0.004	7.2	B
Main Street and Curtis Avenue	AM	1/21/2003	13.3	B	13.3	B	14.2	B	0.7	0.037	14.2	B
	PM	1/21/2003	14.4	B	14.4	B	14.7	B	0.4	0.060	14.9	B
Abel Street and Curtis Avenue	AM	1/22/2003	6.7	B	6.7	B	7.2	B	0.5	0.014	7.3	B
	PM	1/22/2003	5.9	B	5.9	B	6.1	B	0.2	0.018	6.3	B
Abel Street and Serra Way	AM	4/9/2002	15.1	C	15.1	C	15.3	C	0.3	0.008	15.5	C
	PM	4/10/2002	17.7	C	17.9	C	18.0	C	0.2	0.007	19.8	C
Unsignalized Intersections												
Main Street and Carlo Street	AM	8/27/2002	7.0	B	7.1	B	7.2	B	0.0	0.013	8.8	B
	PM	8/27/2002	23.5	D	23.8	D	24.1	D	4.4	0.000	34.6	E
Comet Drive and Curtis Avenue[1]	AM	1/21/2003	4.1	A	4.1	A	4.8	A	0.0	0.000	4.9	A
	PM	1/21/2003	4.4	A	4.4	A	5.2	B	0.0	0.000	5.4	B
Hammond Way and Curtis Avenue[1]	AM	2/27/2003	3.1	A	3.1	A	3.4	A	0.0	0.000	3.4	A
	PM	2/27/2003	2.9	A	2.9	A	3.0	A	0.2	0.000	3.0	A
Main Street and Corning Avenue[1]	AM	2/27/2003	5.8	B	5.9	B	6.0	B	0.0	0.000	6.4	B
	PM	2/27/2003	9.6	C	9.8	C	10.1	C	0.0	0.000	11.8	C

* Denotes CMP intersection.

1 Level of Service reported reflects worst intersection leg.

Site Access and Circulation. A site plan review was conducted based on a plan delivered to Hexagon on April 1, 2003. The following recommendations were made:

- The proposed project driveways should be stop-controlled. The driveway on Hammond Way shall be designed to the satisfaction of the City Traffic Engineer.
- The landscaped areas along the project frontage near project driveways should remain clear of objects that would obstruct driver sight distance.
- The project proponent should make special provisions for garbage collection. Or, a 140-foot diameter cul-du-sac should be provided at the end of each dead-end aisle. Or, the dead-end aisles should be eliminated.
- The proposed project should demonstrate that it complies with the City of Milpitas parking code.
- The project should provide good pedestrian access to and from the existing sidewalks on the adjacent public streets. The project should provide new sidewalks along the public street frontage.

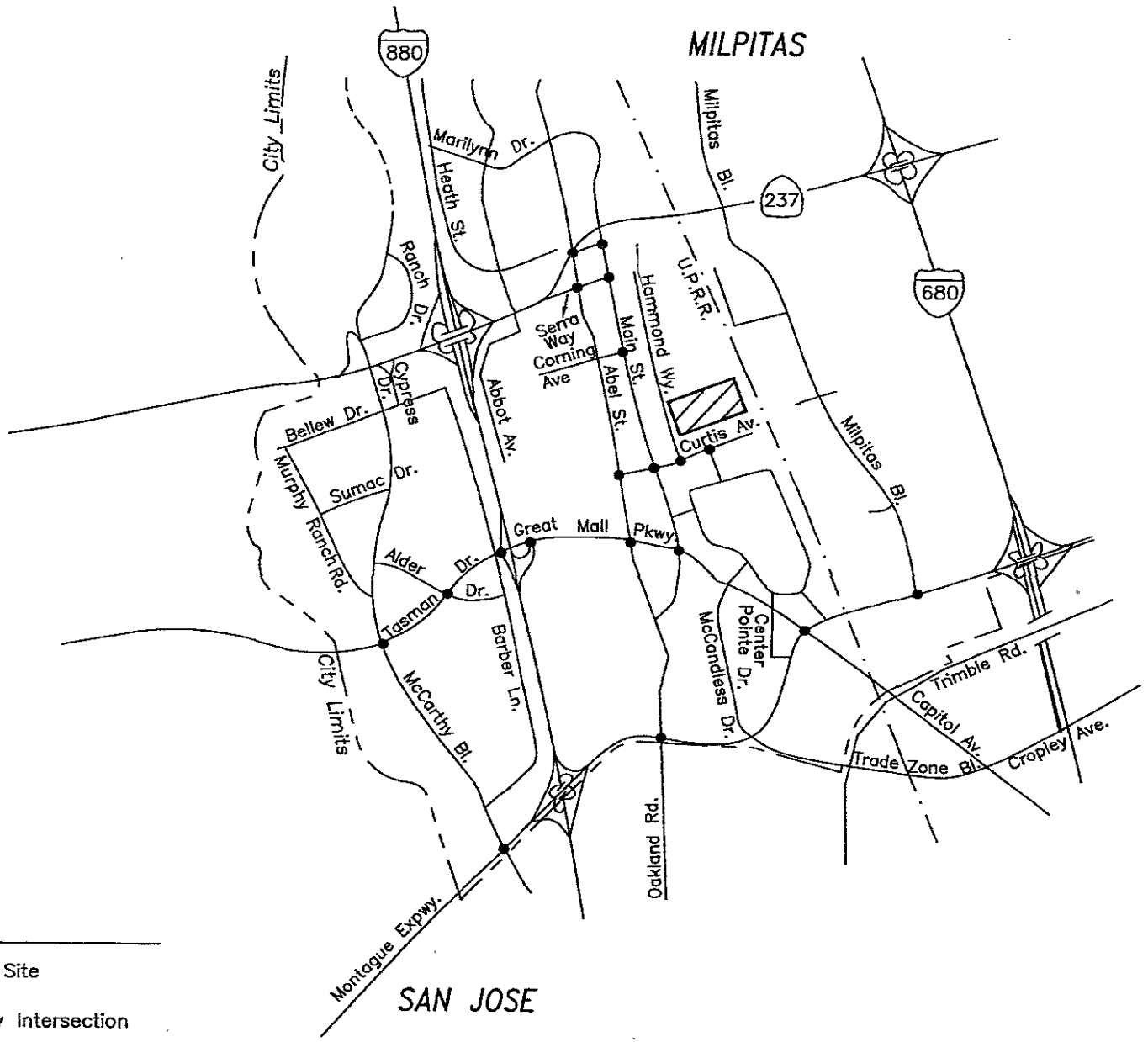
1. Introduction

The purpose of this report is to analyze the transportation impacts of the proposed residential project located north of Curtis Avenue and east of Hammond Way. A large warehouse currently occupies the existing site. As proposed, the project would replace the existing uses with approximately 305 townhomes. Access to the site would be provided via driveways on Hammond Way and Curtis Avenue. The project location is shown graphically on Figure 1. The proposed site plan is shown in Figure 2.

Scope of Work

The impacts of the development were evaluated following the guidelines set forth by the City of Milpitas, the City of San Jose, and the Santa Clara Valley Transportation Authority's (VTA) Congestion Management Program (CMP). Each intersection was analyzed using the appropriate level of service (LOS) methodology for the city in which it is located. The following intersections were analyzed for this project. The CMP intersections are denoted with an asterisk (*).

- Comet Drive and Curtis Avenue
- Curtis Avenue and Hammond Way
- Abel Street and Calaveras Boulevard*
- Abel Street and Serra Way
- Abel Street and Curtis Avenue
- Abel Street and Great Mall Parkway
- Main Street and Corning Avenue
- Main Street and Carlo Street
- Main Street and Serra Way
- Main Street and Curtis Avenue
- Main Street and Great Mall Parkway
- I-880 NB ramps and Great Mall Parkway
- I-880 SB ramps and Tasman Drive
- Alder Drive and Tasman Drive
- McCarthy Boulevard and Tasman Drive
- McCarthy Boulevard/O'toole and Montague Expressway*



LEGEND

Project Site

● = Study Intersection

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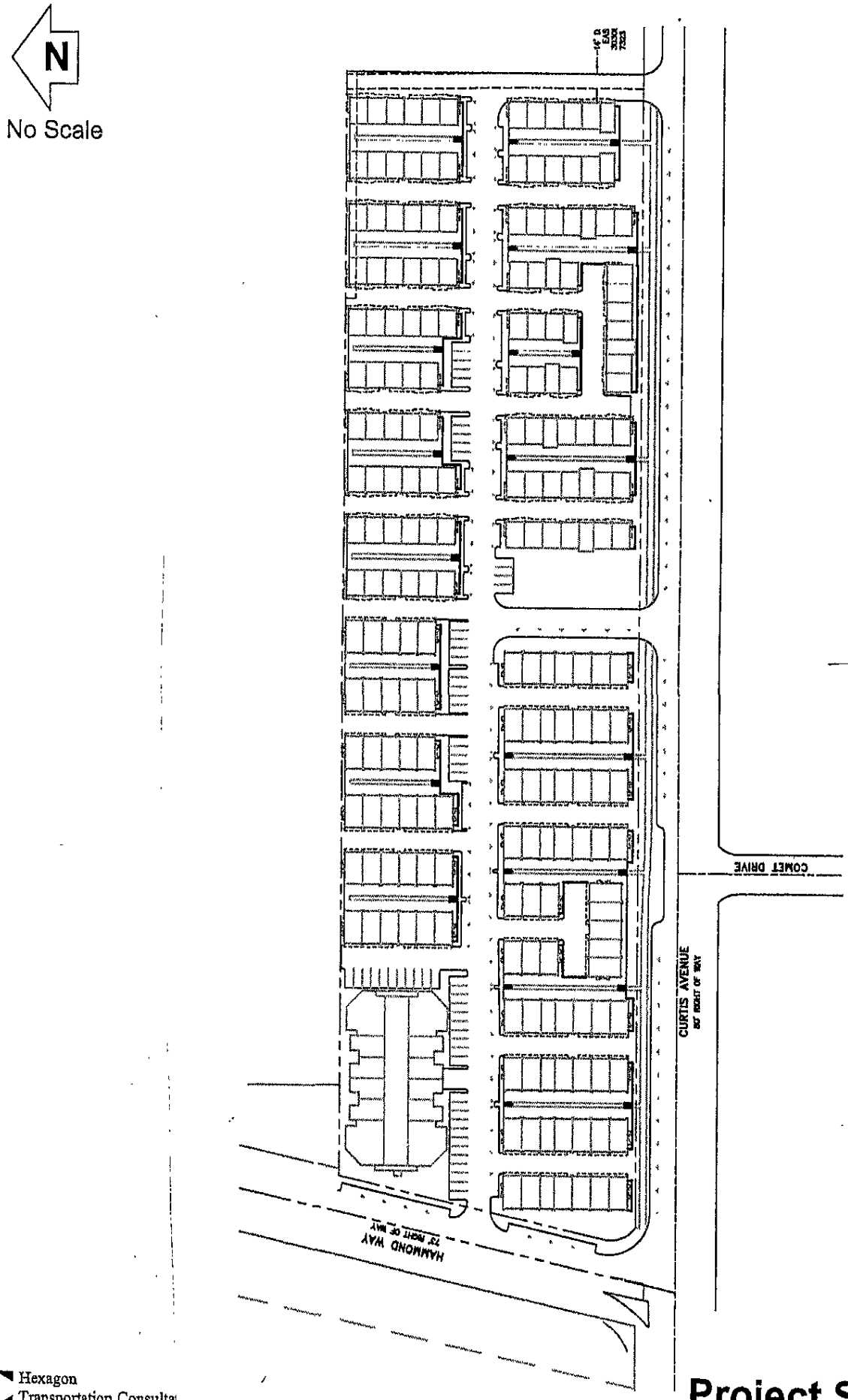
Transportation Consultants, Inc.

Figure 1

SITE LOCATION

Curtis Avenue Residential



Hexagon
Transportation Consulta

Figure 2
Project Site Plan

Curtis Drive Residential TIA

- Main Street and Carlo Way
- South Main Street/Old Oakland Road and Montague Expressway*
- Great Mall Parkway/Capitol and Montague Expressway*
- Milpitas Boulevard and Montague Expressway*

These intersections were selected based on CMP guidelines, which state that an intersection should be analyzed for impacts if project traffic would add more than ten trips per lane to any intersection approach. The intersections were analyzed during the weekday AM and PM peak hours of traffic (commonly referred to as the commute hours), which occur from 7:00 - 9:00 AM, and 4:00 - 6:00 PM. These periods represent the most congested traffic conditions of an average weekday, and also correspond with the peak hours of trip generation of the proposed development.

In addition, the proposed project's impacts during the PM peak hour were evaluated using the North San Jose Deficiency Plan (NSJDP) 22 intersection average. All of these intersections are designated CMP intersections. They are:

- U.S. 101 and Brokaw Road
- SR 237 and North First Street (north)
- SR 237 and North First Street (south)
- SR 237 and Zanker Road (north)
- SR 237 and Zanker Road (south)
- I-880 and Brokaw Road (East)
- I-880 and Brokaw Road (West)
- I-880 and North First Street (North)
- I-880 and North First Street (South)
- Brokaw Road and Old Oakland Road
- Brokaw Road and North First Street
- Brokaw Road and Zanker Road
- De La Cruz Avenue Boulevard and Trimble Road
- North First Street and Montague Expressway
- North First Street and Trimble Road
- Lundy Avenue and Murphy Avenue
- Montague Expressway and Zanker Road
- Montague Expressway and Trade Zone/McCandless Drive
- Montague Expressway and South Main Street/Old Oakland Road
- Montague Expressway and McCarthy Boulevard/O'toole
- Montague Expressway and Trimble Road
- Trimble Road and Zanker Road

The CMP's requirements regarding the need to study freeway segments for the proposed project were also evaluated. According to CMP guidelines, a freeway segment should be studied when a proposed development would add traffic to a segment greater than one percent of its capacity. Table 1 shows this comparison. (The methods used to assign project traffic to the roadway network are described in the "Project Impacts and Recommendations" chapter of this report.) The capacity of a mixed-flow lane as specified by the *1994 Highway Capacity Manual* is 2,200 vehicles per hour (vph) on four-lane facilities, and 2,300 vph on facilities with six or more lanes. The capacity of high occupancy vehicle lanes (HOV) and auxiliary lanes were ignored for this calculation. Based on this comparison, the study of freeway segments is not required for this analysis.

Table 1
Freeway Segment Evaluation

Freeway	Segment	Direction	# of Lanes	Capacity* (vphpl)	1% of Capacity	Project Trips AM	Project Trips PM
I-880	north of Tasman Dr.	SB	3	6900	69	2	8
I-880	Tasman Dr. to Montague Expwy	SB	3	6900	69	10	5
I-880	south of Montague Expwy	SB	2	4400	44	10	5
I-680	North of Calaveras Blvd.	SB	3	6900	69	1	3
I-680	Calaveras to Montague Expwy	SB	4	9200	92	0	0
I-680	south of Montague Expwy	SB	4	9200	92	5	2
I-880	north of Tasman Dr.	NB	3	6900	69	8	4
I-880	Montague Expwy to Tasman Dr.	NB	3	6900	69	2	10
I-880	south of Montague Expwy	NB	2	4400	44	2	10
I-680	North of Calaveras Blvd.	NB	3	6900	69	3	1
I-680	Calaveras to Montague Expwy	NB	4	9200	92	0	0
I-680	south of Montague Expwy	NB	4	9200	92	1	5

*Capacity was based on the ideal capacity cited in the *1994 Highway Capacity Manual*

The operations of the key intersections were evaluated for the following scenarios:

Scenario 1: *Existing Conditions.* Existing conditions were represented by existing peak-hour traffic volumes on the existing roadway network. Existing traffic volumes were obtained from recent traffic counts.

Scenario 2 *Background Conditions.* Background conditions were represented by future background traffic volumes on the near-term future roadway network. Background traffic volumes were estimated by adding to existing peak-hour volumes the projected volumes from approved but not yet completed developments. The latter component is contained in the City of Milpitas Approved Trips Inventory (ATI).

Scenario 3 *Project Conditions.* Project conditions were represented by future traffic volumes, with the project, on the near-term future roadway network. Future traffic volumes with the project (hereafter called *project traffic volumes*) were estimated by adding to background traffic volumes the additional traffic generated by the project. Project conditions were evaluated relative to background conditions in order to determine potential project impacts.

Scenario 4 *Future Growth Conditions.* Future growth conditions were represented by future traffic volumes, at the date of project occupancy, on the near-term future roadway network. Traffic volumes under future growth conditions were estimated by applying a growth factor to existing volumes, adding trips from approved developments, and adding project trips. This scenario is evaluated to fulfill CMP requirements.

Methods

This section describes the methods used to determine the traffic operations for each scenario. It includes the methods used for data collection, level of service calculations, and describes the various level of service standards, as well as the criteria for project impacts.

Data Collection

The data for the study locations were obtained from previous traffic studies, the City of Milpitas, new traffic counts (see appendix A), and the VTA's CMP. The following data were collected from these sources:

- existing traffic volumes,
- lane geometrics,
- signal timing and phasing.

Level of Service Methods

The previously-described data were then used to calculate each study location's level of service (LOS). Level of service is a qualitative measure of traffic operations, ranging from LOS A (free-flow condition) to LOS F (forced-flow conditions). The levels of service at signalized intersections were evaluated using TRAFFIX software with CMP defaults. This method uses the *1985 Highway Capacity Manual* methodology to estimate the average stopped delay per vehicle in seconds. This average delay can then be correlated to a level of service as shown on Table 2.

Level of Service Standards

For CMP intersections, the minimum acceptable level of service is LOS E. At intersections in San Jose and Milpitas that are not CMP intersections, the minimum acceptable level of service is LOS D.

The City of San Jose has established a deficiency plan for the 22 CMP intersections in north San Jose. The plan requires that the average delay during the PM peak hour at the 22 intersections be averaged to less than 88 seconds. According to the North San Jose Plan (NSJDP), the maximum delay at an intersection is capped at 150 percent of its cycle length.

Project Impact Criteria

According to the City of Milpitas, as well as the CMP, project impacts at signalized intersections occur when:

1. The level of service at an intersection drops below its LOS standard (LOS E at CMP intersections, and LOS D on city streets) when project traffic is added; or

2. An intersection that is operating worse than its level of service standard under background conditions has an increase in critical delay of four or more seconds **AND** the demand-to-capacity ratio (V/C) is increased by more than .01 when project traffic is added.

Table 2
Intersection Level of Service Definitions Based on Delay

Level of Service	Description	Average Stopped Delay Per Vehicle (Sec.)
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	Less than 5.0
B	Operations with low delay occurring with good progression and/or short cycle lengths.	5.1 to 15.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	15.1 to 25.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	25.1 to 40.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	40.1 to 60.0
F	Operation with delays unacceptable to most drivers occurring due to oversaturation, poor progression, or very long cycle lengths.	Greater than 60.0

Source: Transportation Research Board, Highway Capacity Manual, Special Report 209 (Washington, D.C., 1985)

The exception to this threshold is when the addition of project traffic reduces the amount of average stopped delay for critical movements (i.e. the change in average stopped delay for critical movements is negative). In this case, the threshold is when the project increases the critical V/C value by .01 or more.

For intersections included in the North San Jose Deficiency Plan, a project would have a significant impact on North San Jose if it caused the 22-intersection average under project conditions to be greater than 88 seconds.

Report Organization

The remainder of this report is divided into six chapters. Chapter 2 describes existing conditions in terms of the existing roadway network, transit service, and existing bicycle and pedestrian facilities. Chapter 3 presents the intersection operations under background conditions. Chapter 4 describes the method used to estimate project traffic, its impact on the transportation system, and the recommended mitigation measures. Chapter 5 discusses the traffic conditions resulting from additional future growth. Chapter 6 presents the conclusions of the traffic impact analysis.

2.
Existing Conditions

This chapter describes the existing conditions for all of the major transportation facilities in the vicinity of the site, including the roadway network facilities and operations, transit service, and bicycle and pedestrian access.

Roadway Network

Regional access to the project is provided via Interstate 680 (I-680), I-880 and State Route 237 (SR 237). Direct access to the current site is provided via Curtis Avenue and Hammond Way. Other major facilities in the vicinity include Montague Expressway, Great Mall Parkway, South Abel Street, and South Main Street. These facilities are described below.

I-680 is a north/south freeway traversing the eastern portion of Milpitas. This freeway connects the inland East Bay communities to the north with San Jose to the south. I-680 has six lanes north of SR 237 and eight lanes south of SR 237. A northbound HOV lane is currently under construction on I-680 north of Calaveras Boulevard. A southbound HOV lane north of Calaveras Boulevard was recently completed.

I-880 is also a north/south freeway providing regional access from East Bay cities to San Jose, where it becomes SR 17. Within the City of Milpitas, I-880 is a six-lane freeway. South of Montague Expressway, this facility narrows to four lanes, which results in congestion during both the morning and afternoon peak periods. South of Montague Expressway, I-880 is currently being widened to six lanes. This will be completed in the fall of 2003.

State Route 237/Calaveras Boulevard is an east/west arterial between I-880 and I-680 and generally provides six travel lanes (four on the Union Pacific overcrossing). West of I-880, this facility becomes a freeway with four mixed flow lanes and two High Occupancy Vehicle (HOV) lanes. Calaveras Boulevard accommodates a significant amount of regional through traffic during the peak commute hours. Milpitas staff estimate that approximately 50 percent of the peak hour traffic between I-680 and I-880 is generated outside of Milpitas. The predominate direction of travel is westbound in the morning and eastbound during the afternoon.

Great Mall Parkway is an east/west divided arterial connecting Capital Avenue to I-880. In general, this roadway operates within capacity and does not experience significant peak hour congestion except at its intersection with Montague Expressway. West of I-880, Great Mall Parkway becomes Tasman Drive. Light rail construction is currently underway in the median of Great Mall Parkway. This should be completed in mid-2004.

Montague Expressway is an east/west expressway in southern Milpitas that generally provides six travel lanes. It is operated by the Santa Clara County Roads and Airports Department. The peak direction of travel is westbound in the morning, and eastbound in the evening. This facility also provides HOV lanes both during the AM peak hours in the westbound direction and PM peak hours in the eastbound direction. Montague Expressway is a CMP facility that experiences severe congestion during both commute hours. Recently, studies have been completed to determine the phasing of potential grade separations and the feasibility of widening Montague Expressway to three mixed flow lanes and one HOV lane in each direction.

South Main Street is a north/south collector connecting Montague Expressway to residential areas north of Calaveras Boulevard. This roadway consists of four travel lanes from Montague Expressway to just north of Curtis Avenue, where it transitions to a two lane facility with parking on both sides. Main Street currently operates within capacity, but experiences significant congestion at its intersection with Montague Expressway. Main Street also has intersections with Cutris Avenue and Corning Avenue.

South Abel Street is a north/south arterial beginning at South Main Street and terminating at North Milpitas Boulevard. This facility is signalized at major cross streets, where left-turn pockets are provided. On street parking is generally prohibited, except adjacent to commercial frontage. With the exception of certain movements at major intersections, this facility generally operates within its design capacity.

Curtis Avenue is an east/west roadway connecting South Abel Street to the Union Pacific railroad yard. This roadway has four travel lanes west of Comet Drive and two travel lanes east of Comet Drive. A residential subdivision borders Curtis Avenue to south. Curtis Avenue experiences very little traffic during all times of the day and operates well within capacity, but is regularly used by Great Mall traffic. Field observations have noted that car haulers use Curtis Avenue to temporarily store vehicles at the eastern end of the street in the cul-du-sac. Two project driveways would connect to Curtis Avenue.

Hammond Way is a north/south roadway that services the surrounding industrial area. It also marks the western boundary of the proposed project site. Although traffic volumes on Hammond are relatively low, it contains a higher than normal percentage of truck traffic. At its intersection with Curtis Avenue, Hammond Way is stop controlled. One project driveway would connect to Hammond Way.

Pedestrian and Bicycle Facilities

Existing bicycle and pedestrian access to the proposed site is provided by a series of existing sidewalks and bike lanes on Great Mall Parkway and South Main Street. Sidewalks are provided on the south side of Curtis Avenue and on Comet Drive. Bikes are also permitted to use the shoulder area of Montague Expressway. Figure 3 shows the existing bikeways.

Transit Service

Existing bus service on the surrounding roadway network is provided by the Santa Clara Valley Transportation Authority (VTA). Route 66, Route 77, and Route 74, which all service Milpitas and San Jose, are located closest to the proposed project site. Table 3 summarizes the service frequencies for

these routes. In the future, light rail will connect North First Street in San Jose to Hostetter Avenue via center lane medians on Tasman Drive, Great Mall Parkway, and Capitol Avenue. Currently, a light rail station is under construction at the intersection of Great Mall Parkway and South Main Street. Figure 4 shows the existing and future transit service.

Table 3
VTA Transit Service

Line	Route Description	Weekday Hours of Operation	Headway*
Route 74	Milpitas to East San Jose	6:00 AM to 10:00 PM	30 minutes
Route 77	Milpitas to East San Jose	5:30 AM to 7:30 PM	15 to 35 minutes
Route 66	Milpitas to Downtown San Jose	5:00 AM to 11:30 PM	15 minutes

*Headways during commute periods

Existing Intersection Operations

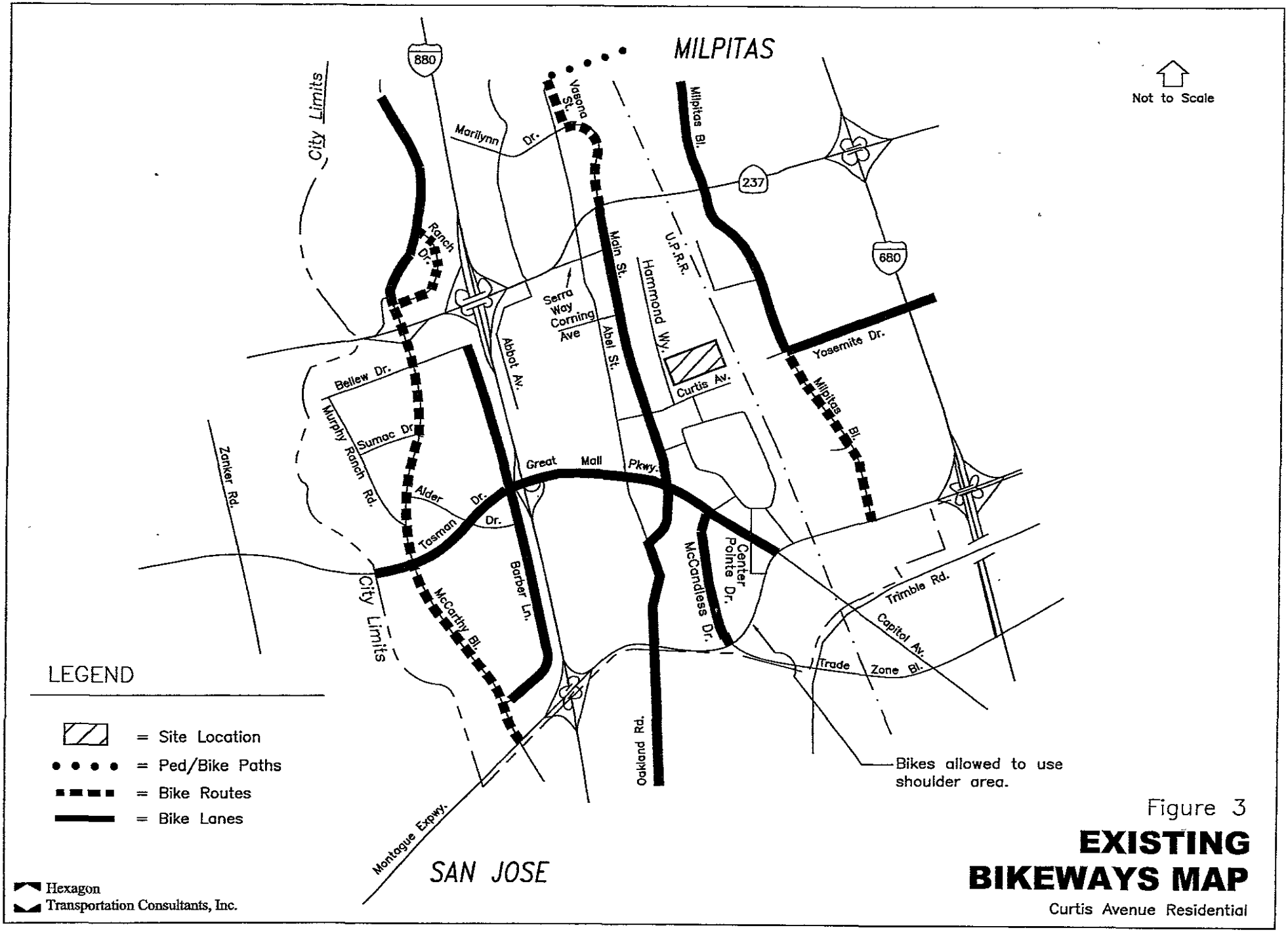
The operations of the study intersections were evaluated using TRAFFIX software to determine their existing levels of service. The existing lane configurations used for the calculations are shown in Figure 4. The existing intersection turn movement volumes are shown in Figure 5. Table 4 presents the results of the signalized intersection level of service calculations. The TRAFFIX calculation sheets are included in Appendix B. According to the LOS standards discussed in Chapter 1, the following intersections are operating at unacceptable levels of service during one or both peak hours:

- Montague Expressway and Main Street (LOS F during PM peak)
- Montague Expressway and Milpitas Boulevard (LOS F during PM peak)
- Montague Expressway and McCarthy Boulevard (LOS F during PM peak)

Observed Existing Traffic Conditions

Traffic conditions in the field were observed in order to identify existing operational deficiencies and to confirm the accuracy of calculated levels of service. The purpose of this effort was (1) to identify any existing traffic problems that may not be directly related to intersection level of service, and (2) to identify any locations where the level of service calculation does not accurately reflect level of service in the field. At most intersections, the field observations revealed no unusual traffic problems, and the level of service analysis appears to accurately reflect actual existing traffic conditions. The exception is at the intersection of Milpitas Boulevard/Montague Expressway, where the existing LOS calculation shows LOS F with 136 seconds of delay for the PM peak hour. Although this intersection does operate at capacity during the PM peak, it is likely that the delay reported by TRAFFIX is overestimated.

It is also worth noting that traffic volumes and vehicular delays on city streets have decreased significantly over the past two years. For this reason, the levels of service presented in this report are significantly better than those of past reports. This is primarily due to increased unemployment rates in Santa Clara County.



Hexagon
Transportation Consultants, Inc.

Figure 3

EXISTING BIKEWAYS MAP

Curtis Avenue Residential

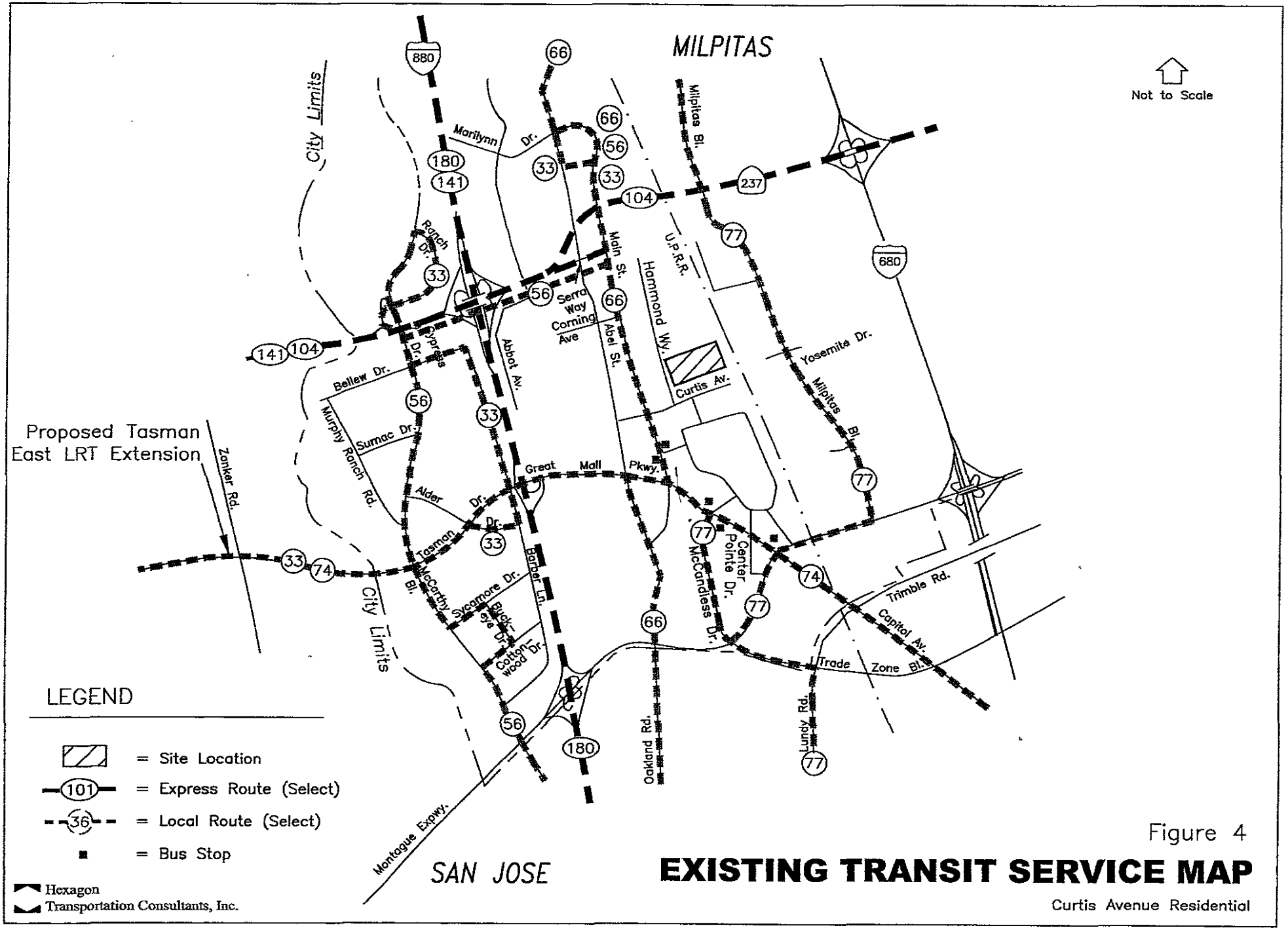
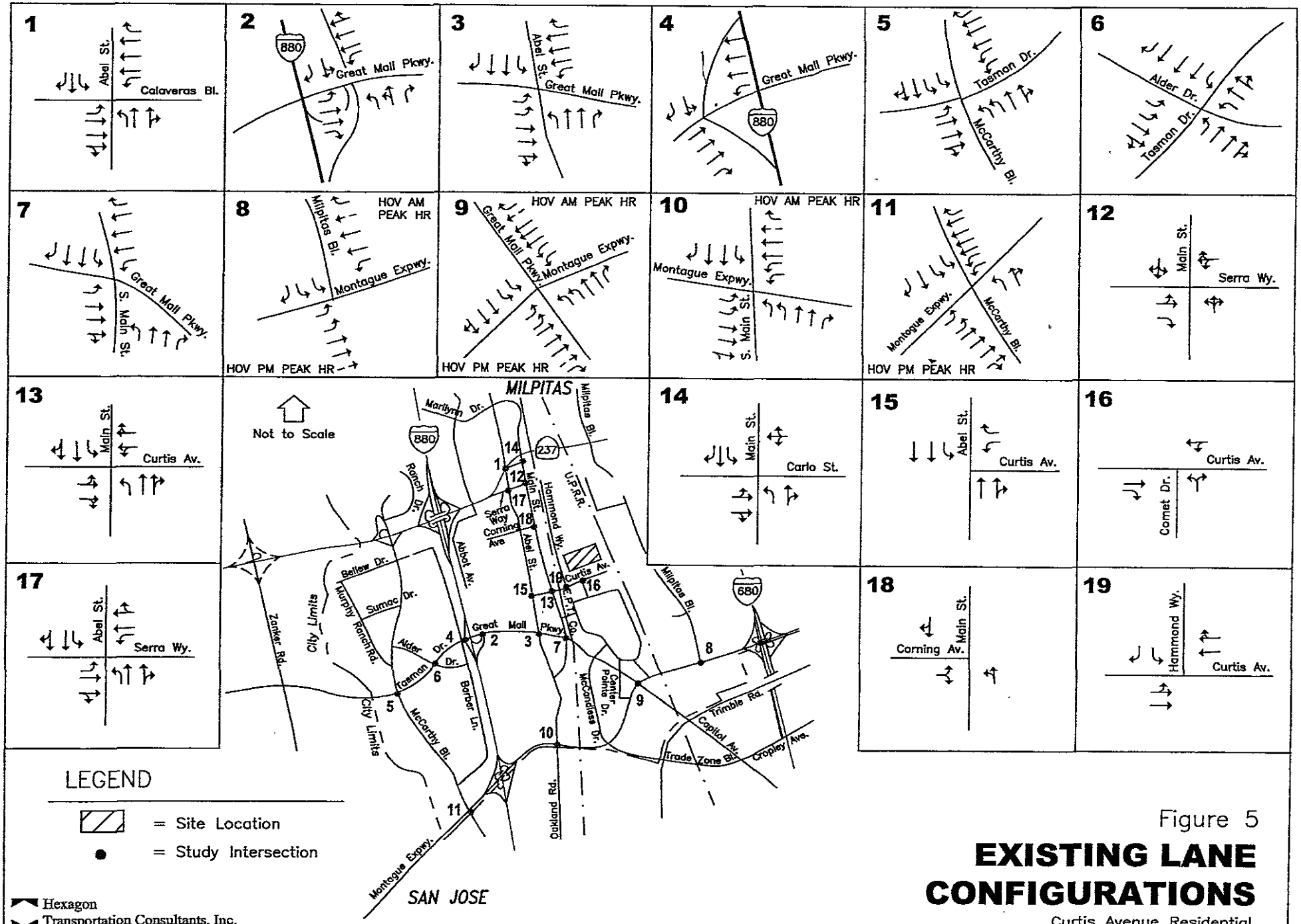


Figure 4

EXISTING TRANSIT SERVICE MAP

Curtis Avenue Residential



LEGEND

= Site Location

= Study Intersection

Hexagon
Transportation Consultants, Inc.

Figure 5

EXISTING LANE CONFIGURATIONS

Curtis Avenue Residential

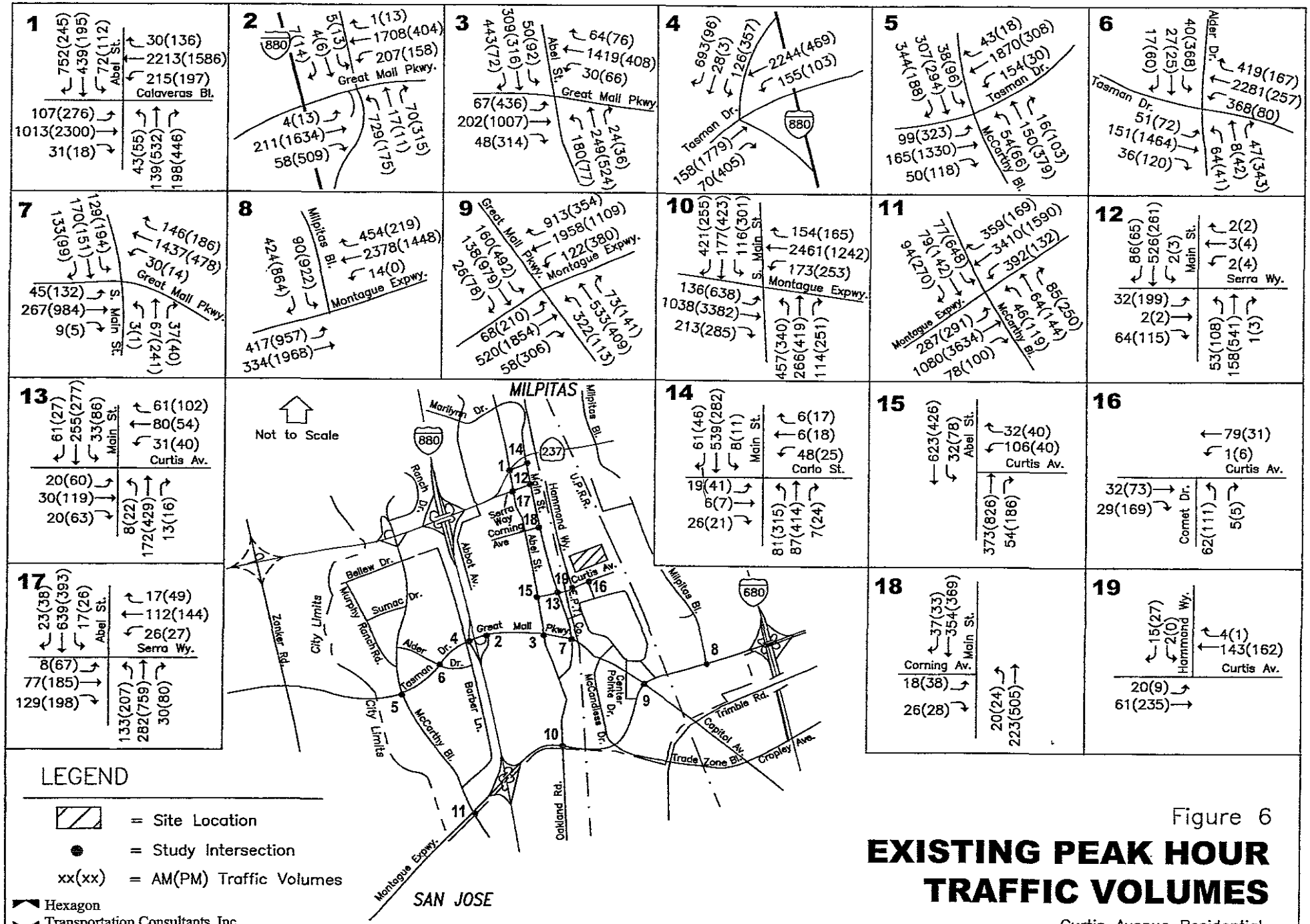


Figure 6

EXISTING PEAK HOUR TRAFFIC VOLUMES

Curtis Avenue Residential

Table 4
Existing Intersection Levels of Service

Intersection	Peak Hour	Count Date	Ave. Delay	LOS
Signalized Intersections				
Abel Street and Calaveras Boulevard*	AM	8/1/2002	37.4	D
	PM	10/30/2001	37.6	D
I-880 NB Ramps and Great Mall Parkway	AM	1/21/2003	20.5	C
	PM	1/21/2003	17.6	C
Abel Street and Great Mall Parkway	AM	1/22/2003	20.5	C
	PM	1/22/2003	19.5	C
I-880 SB Ramps and Tasman Drive	AM	1/22/2003	22.9	C
	PM	1/22/2003	15.5	C
McCarthy Boulevard and Tasman Drive	AM	1/23/2003	16.7	C
	PM	1/22/2003	14.3	B
Alder Drive and Tasman Drive	AM	1/21/2003	22.8	C
	PM	1/21/2003	20.1	C
Main Street and Great Mall Parkway	AM	1/23/2003	14.4	B
	PM	1/23/2003	15.6	C
Milpitas Boulevard and Montague Expressway*	AM	1/23/2003	27.5	D
	PM	9/25/2001	138.7	F
Great Mall Pkwy/Capitol Ave and Montague Expwy*	AM	1/23/2003	31.6	D
	PM	9/26/2001	44.5	E
Main St/Oakland Rd and Montague Expwy*	AM	1/23/2003	54.0	E
	PM	10/2/2001	84.7	F
McCarthy Blvd/O'toole Ave and Montague Expwy*	AM	1/23/2003	28.3	D
	PM	10/23/2001	62.7	F
Main Street and Serra Way	AM	4/9/2002	4.1	A
	PM	4/10/2002	6.7	B
Main Street and Curtis Avenue	AM	1/21/2003	13.3	B
	PM	1/21/2003	14.4	B
Abel Street and Curtis Avenue	AM	1/22/2003	6.7	B
	PM	1/22/2003	5.9	B
Abel Street and Serra Way	AM	4/9/2002	15.1	C
	PM	4/10/2002	17.7	C
Unsignalized Intersections				
Main Street and Carlo Street	AM	8/27/2002	7.0	B
	PM	8/27/2002	23.5	D
Comet Drive and Curtis Avenue[1]	AM	1/21/2003	4.1	A
	PM	1/21/2003	4.4	A
Hammond Way and Curtis Avenue[1]	AM	2/27/2003	3.1	A
	PM	2/27/2003	2.9	A
Main Street and Corning Avenue[1]	AM	2/27/2003	5.8	B
	PM	2/27/2003	9.6	C

* Denotes CMP intersection.

1 Level of Service reported reflects worst intersection leg.

Truck Traffic on Curtis Avenue

Vehicle classification counts were conducted on Curtis Avenue between Hammond Way and Comet Drive on February 26 though 28. The results of those counts are summarized on Table 4 and Appendix A. In addition to truck traffic on Curtis Avenue, trucks also use Hammond Way. Of particular concern for truck traffic is the short stacking distance and railroad tracks between Hammond Way and Main Street on Curtis Avenue. This results in a condition where trucks must stop on the tracks to make a left-turn from Curtis Avenue to Hammond Way. Also, the short stacking distance makes it difficult to conduct efficient signal operations at the Curtis Avenue/Hammond Way intersection. Given the desired level of build out in the City General Plan, it may be prudent to signalize the intersection of Curtis Avenue/Hammond Way in the future. The proposed project plan should be designed such that signalization of this intersection is practical in the future.

Table 5
Vehicle Classification Count Summary

Category	Eastbound	Westbound	Total
3-Day Total	7,781	7,604	15,385
3-Day Trucks	214	172	386
Average Daily Traffic	2,594	2,535	5,128
Average Daily Trucks	71	57	129
Percent of Trucks	2.8%	2.3%	2.5%
Ave. Vehicles per hour*	216	211	427
Ave. Trucks per hour*	6	5	11

Note: Counts done February 26, 27, and 28
* ADT divided by 12 hours

3.
Background Conditions

This chapter describes background traffic conditions. Background conditions are defined as conditions just prior to completion of the proposed development. Traffic volumes for background conditions comprise volumes from existing traffic counts plus traffic-generated by other approved developments in the vicinity of the site. It is assumed in this analysis that the future near-term roadway network under background conditions would be the same as the existing roadway network. The only exception is at the intersection of Montague Expressway and Milpitas Boulevard, where a funded improvement will add one travel lane in each direction and provide HOV lanes 24 hours per day.

Background Traffic Volumes

Background peak-hour traffic volumes were established by adding to existing volumes the estimated traffic from approved but not yet constructed developments. The added traffic from approved but not yet constructed developments was provided by the city in the form of an Approved Trips Inventory (ATI). Background traffic volumes are shown on Figure 7. The ATI sheets and a list of approved projects are contained in Appendix C.

Intersection Operations

Intersection level of service calculations were conducted to evaluate the operating levels of the key signalized intersections under background conditions. These calculations were performed using background volumes and roadway network assumptions. The results are shown on Table 6. The TRAFFIX calculation sheets are included in Appendix B. According to City of Milpitas and CMP guidelines, the following intersections will operate at unacceptable levels during one or both peak hours:

- Montague Expressway and Main Street (LOS F during PM peak)
- Montague Expressway and Milpitas Boulevard (LOS F during PM peak)
- Montague Expressway and McCarthy Boulevard (LOS F during PM peak)

The remaining study intersections are projected to operate at acceptable levels during both peak hours of operation.

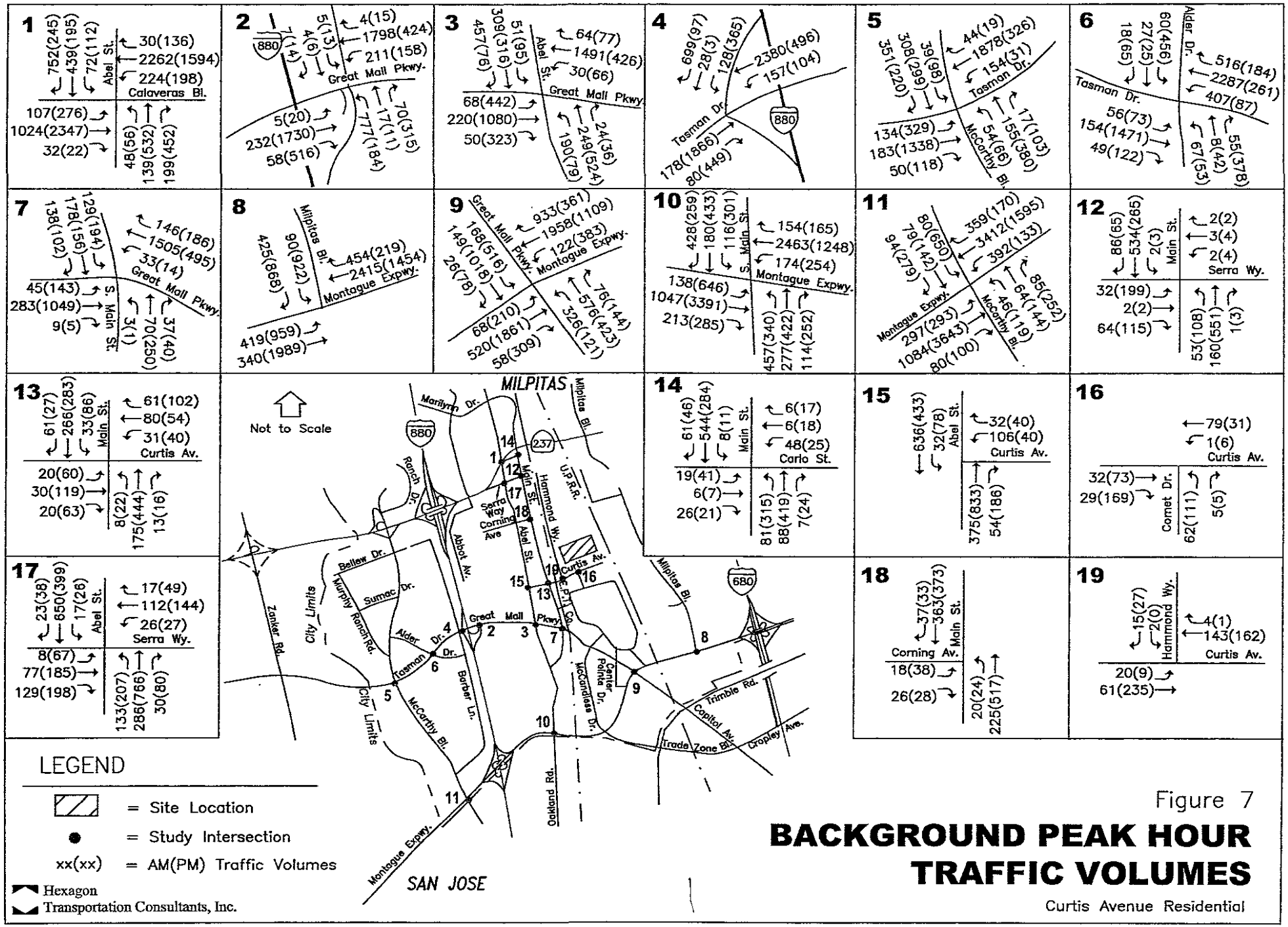


Figure 7

BACKGROUND PEAK HOUR TRAFFIC VOLUMES

Curtis Avenue Residential

Table 6
Background Intersection Levels of Service

Intersection	Peak Hour	Count Date	Existing Ave. Delay	Existing LOS	Background Ave. Delay	Background LOS
Signalized Intersections						
Abel Street and Calaveras Boulevard*	AM	8/1/2002	37.4	D	38.3	D
	PM	10/30/2001	37.6	D	38.4	D
I-880 NB Ramps and Great Mall Parkway	AM	1/21/2003	20.5	C	21.5	C
	PM	1/21/2003	17.6	C	18.4	C
Abel Street and Great Mall Parkway	AM	1/22/2003	20.5	C	21.0	C
	PM	1/22/2003	19.5	C	19.5	C
I-880 SB Ramps and Tasman Drive	AM	1/22/2003	22.9	C	24.1	C
	PM	1/22/2003	15.5	C	15.6	C
McCarthy Boulevard and Tasman Drive	AM	1/23/2003	16.7	C	17.1	C
	PM	1/22/2003	14.3	B	14.5	B
Alder Drive and Tasman Drive	AM	1/21/2003	22.8	C	22.8	C
	PM	1/21/2003	20.1	C	25.6	D
Main Street and Great Mall Parkway	AM	1/23/2003	14.4	B	14.4	B
	PM	1/23/2003	15.6	C	15.6	C
Milpitas Boulevard and Montague Expressway*	AM	1/23/2003	27.5	D	26.4	D
	PM	9/25/2001	138.7	F	143.7	F
Great Mall Pkwy/Capitol Ave and Montague Expwy*	AM	1/23/2003	31.6	D	32.5	D
	PM	9/26/2001	44.5	E	46.9	E
McCarthy Blvd/O'toole Ave and Montague Expwy*	AM	1/23/2003	54.0	E	54.7	E
	PM	10/2/2001	84.7	F	86.4	F
McCarthy Boulevard and Montague Expressway*	AM	1/23/2003	28.3	D	28.5	D
	PM	10/23/2001	62.7	F	63.6	F
Main Street and Serra Way	AM	4/9/2002	4.1	A	4.1	A
	PM	4/10/2002	6.7	B	6.7	B
Main Street and Curtis Avenue	AM	1/21/2003	13.3	B	13.3	B
	PM	1/21/2003	14.4	B	14.4	B
Abel Street and Curtis Avenue	AM	1/22/2003	6.7	B	6.7	B
	PM	1/22/2003	5.9	B	5.9	B
Abel Street and Serra Way	AM	4/9/2002	15.1	C	15.1	C
	PM	4/10/2002	17.7	C	17.9	C
Unsignalized Intersections						
Main Street and Carlo Street	AM	8/27/2002	7.0	B	7.1	B
	PM	8/27/2002	23.5	D	23.8	D
Comet Drive and Curtis Avenue[1]	AM	1/21/2003	4.1	A	4.1	A
	PM	1/21/2003	4.4	A	4.4	A
Hammond Way and Curtis Avenue[1]	AM	2/27/2003	3.1	A	3.1	A
	PM	2/27/2003	2.9	A	2.9	A
Main Street and Corning Avenue[1]	AM	2/27/2003	5.8	B	5.9	B
	PM	2/27/2003	9.6	C	9.8	C

* Denotes CMP intersection.
1 Level of Service reported reflects worst intersection leg.

4.
Project Impacts and Recommendations

The impacts of the proposed project are discussed in this chapter. First, the method used to estimate the amount of traffic added to the roadway system by the project is described. Then, as specified by the CMP requirements, individual intersections are analyzed under project conditions. Project conditions are defined as background volumes plus the additional traffic generated by the proposed project. Under project conditions, the roadway network would be the same as under background conditions.

Project Traffic Estimates

The amount of traffic associated with a development is estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In the first step, the amount of traffic entering and exiting the site is estimated on a peak hour basis. In the second step, the directions of approach and departure of the project traffic are estimated. In the third step, the trips are assigned to specific streets and intersections. This process is described in the following sections.

Trip Generation

The existing site is occupied by a warehouse uses. In regard to its trip generation characteristics, a prior survey conducted by Hexagon concluded that the existing warehouse generated fewer than five trips during both peak hours, which is negligible (the prior study is described in the *1999 Lockheed Residential General Plan Amendment Transportation Impact Analysis*). Therefore, trip deductions for the current use were not taken.

The amount of traffic generated by the proposed project was estimated by applying the appropriate trip generation rates to the size of the development. The trip generation rates used were those published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 6th Edition*. The rates were based on the regression equations for townhouse/condominium uses during the peak hours of adjacent street traffic. The project's trip generation estimates are presented in Table 7.

Table 7
Project Trip Generation

ITE Land Use	ITE Code	Size (# units)	Peak Hour	Trip Rate (per unit)*	Directional Split		Trips		
					Inbound	Outbound	Inbound	Outbound	Total
Residential Condo/ Townhomes	230	305	AM	0.41	17%	83%	21	103	124
			PM	0.51	67%	33%	103	51	154
			Daily	5.51	50%	50%	840	840	1681

Note: Numbers may not add due to rounding
* Trip rates per *ITE Trip Generation Manual 6th Edition,* regression equation

In the future, a VTA light rail station will operate along Great Mall Parkway, which will increase the probability that the occupants of the proposed project would use transit. However, the light rail station would not be located within 2,000 feet of the proposed project. Therefore, per CMP technical guidelines, no trip deduction was assumed.

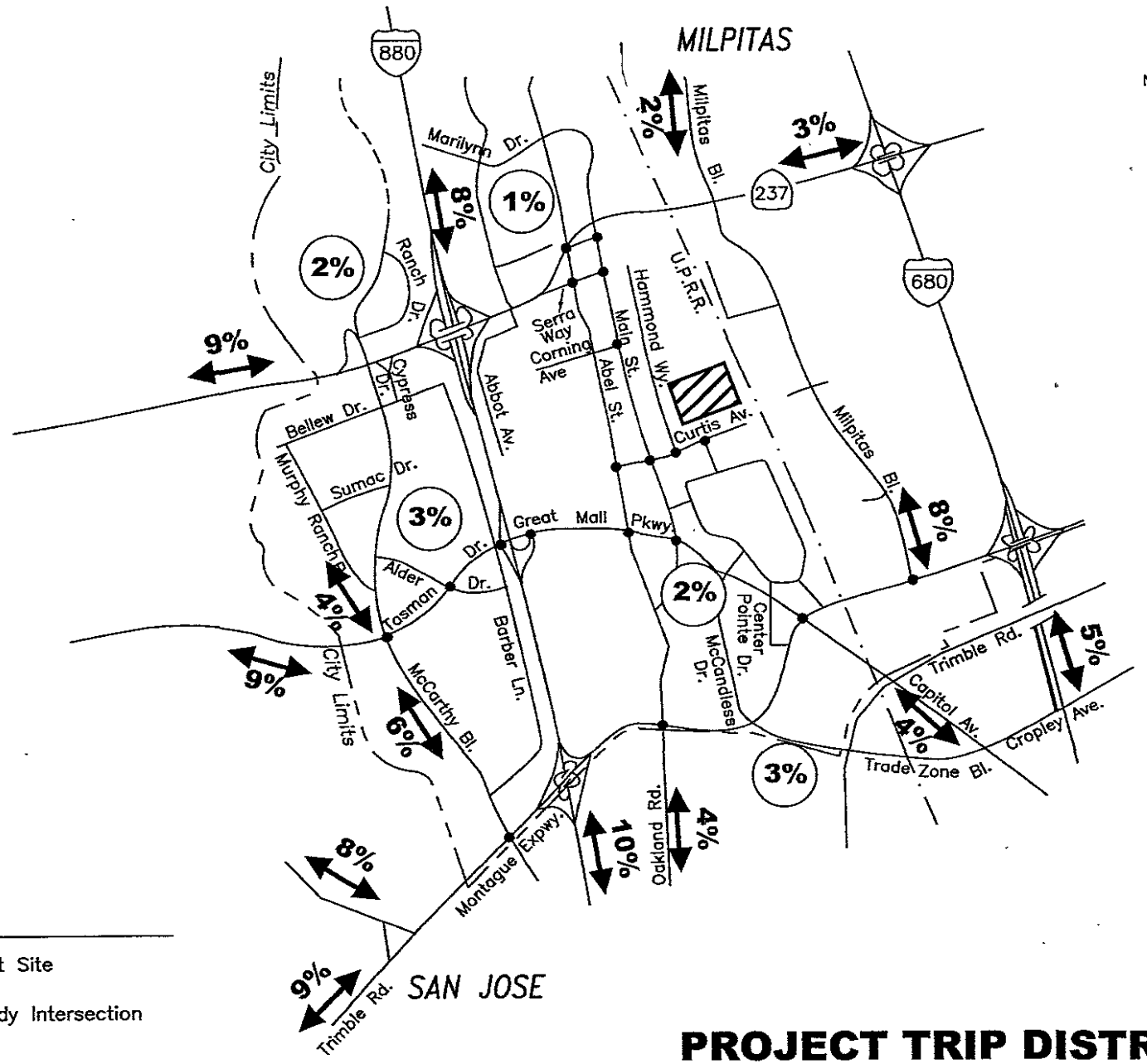
Trip Distribution & Assignment

The proposed project's trip distribution pattern was estimated based on a previous traffic impact analysis conducted for the *Lockheed Residential General Plan Amendment* in 1999. The trip distribution pattern is shown graphically on Figure 7. The trips generated by the proposed project were then assigned to the roadway network based on this directional distribution during the peak hours of adjacent street traffic. Figure 8 shows the proposed project's trip assignment.

Intersection Impacts

Project traffic volumes were calculated by adding peak-hour, project-generated traffic to the background volumes. Intersection level of service calculations were conducted to evaluate the impacts of the proposed project at the key intersections. Background conditions served as a base from which the impacts were evaluated. The results of the level of service calculations are shown in Table 8. The level of service calculation sheets are included in Appendix B. According to the definitions provided in Chapter 1, the proposed project would not result in any adverse significant impacts at the study intersections. However, the project will add traffic to intersections that are currently operating at unacceptable levels under existing and background conditions. These include:

- Montague Expressway and Main Street (LOS F during PM peak)
- Montague Expressway and Milpitas Boulevard (LOS F during PM peak)
- Montague Expressway and McCarthy Boulevard (LOS F during PM peak)



Not to Scale

LEGEND

Project Site

= Study Intersection

Hexagon
Transportation Consultants, Inc.

Figure 8

PROJECT TRIP DISTRIBUTION

Curtis Avenue Residential

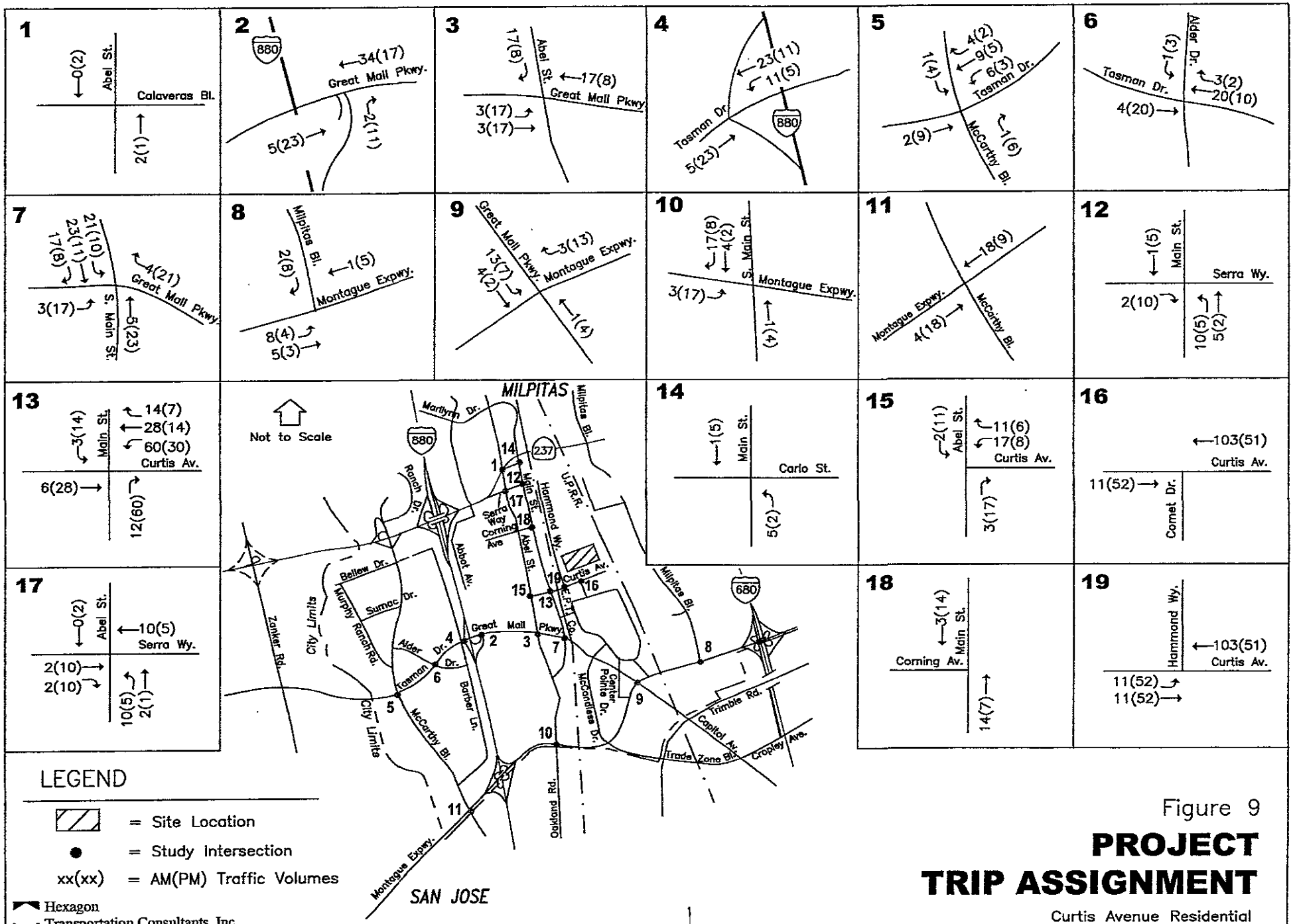


Figure 9

PROJECT TRIP ASSIGNMENT

Curtis Avenue Residential

Table 8

Project Intersection Levels of Service

Intersection	Peak Hour	Background Ave. Delay	Background LOS	Project Conditions Ave. Delay	Project Conditions LOS	Incr. In Crit Delay	Incr. In Crit V/C
Signalized Intersections							
Abel Street and Calaveras Boulevard*	AM	38.3	D	38.3	D	0.0	0.000
	PM	38.4	D	38.4	D	0.0	0.000
I-880 NB Ramps and Great Mall Parkway	AM	21.5	C	21.6	C	0.2	0.007
	PM	18.4	C	18.9	C	0.4	0.007
Abel Street and Great Mall Parkway	AM	21.0	C	21.2	C	0.4	0.015
	PM	19.5	C	19.5	C	0.0	0.004
I-880 SB Ramps and Tasman Drive	AM	24.1	C	24.3	C	0.2	0.004
	PM	15.6	C	15.7	C	0.1	0.008
McCarthy Boulevard and Tasman Drive	AM	17.1	C	17.2	C	0.1	0.002
	PM	14.5	B	14.6	B	0.0	0.003
Alder Drive and Tasman Drive	AM	22.8	C	24.2	C	2.0	0.004
	PM	25.6	D	26.2	D	0.8	0.006
Main Street and Great Mall Parkway	AM	14.4	B	15.1	C	0.9	0.017
	PM	15.6	C	15.9	C	0.4	0.014
Milpitas Boulevard and Montague Expressway*	AM	26.4	D	26.5	D	0.1	0.001
	PM	143.7	F	145.9	F	1.9	0.002
Great Mall Pkwy/Capitol Ave and Montague Expwy*	AM	32.5	D	32.8	D	0.1	0.002
	PM	46.9	E	47.0	E	3.4	0.047
Main St/Oakland Rd and Montague Expwy*	AM	54.7	E	56.5	E	2.8	0.010
	PM	86.4	F	88.8	F	0.7	0.001
McCarthy Blvd/O'toole Ave and Montague Expwy*	AM	28.5	D	28.5	D	0.0	0.003
	PM	63.6	F	64.0	F	0.0	0.001
Main Street and Serra Way	AM	4.1	A	4.1	A	0.0	0.002
	PM	6.7	B	6.8	B	0.0	0.004
Main Street and Curtis Avenue	AM	13.3	B	14.2	B	0.7	0.037
	PM	14.4	B	14.7	B	0.4	0.060
Abel Street and Curtis Avenue	AM	6.7	B	7.2	B	0.5	0.014
	PM	5.9	B	6.1	B	0.2	0.018
Abel Street and Serra Way	AM	15.1	C	15.3	C	0.3	0.008
	PM	17.9	C	18.0	C	0.2	0.007
Unsignalized Intersections							
Main Street and Carlo Street	AM	7.1	B	7.2	B	0.0	0.013
	PM	23.8	D	24.1	D	4.4	0.000
Comet Drive and Curtis Avenue[1]	AM	4.1	A	4.8	A	0.0	0.000
	PM	4.4	A	5.2	B	0.0	0.000
Hammond Way and Curtis Avenue[1]	AM	3.1	A	3.4	A	0.0	0.000
	PM	2.9	A	3.0	A	0.2	0.000
Main Street and Corning Avenue[1]	AM	5.9	B	6.0	B	0.0	0.000
	PM	9.8	C	10.1	C	0.0	0.000

* Denotes CMP intersection.

1 Level of Service reported reflects worst intersection leg.

To account for the cumulative impacts of new development traffic on existing deficient intersections, the City of Milpitas requires projects to pay their "fair share" of the traffic improvement costs. Currently, the City and County have plans to widen Montague Expressway. Since the proposed project would contribute traffic to deficient intersections on Montague Expressway, it will be required to make a monetary contribution toward the Montague improvements.

In addition to improvements on Montague Expressway, the City is currently planning improvements to the intersection of Main Street and Carlo Way. This intersection is projected to degrade to unacceptable levels of service when the Milpitas mid-town specific plan is built out. A traffic signal is planned at this location. The proposed project would contribute traffic to the Main/Carlo intersection. For this reason, the proposed project would have a cumulative impact on this intersection and will be required to contribute its "fair share" monetarily towards the planned improvements.

North San Jose Deficiency Plan Impacts

The impacts of the proposed project were also evaluated using the North San Jose Plan (NSJDP) criteria. To remain consistent with NSJDP methods, only San Jose's approved trips were used in the background condition calculation. Under background conditions, the 22-intersection average delay was 67 seconds using TRAFFIX software. With the addition of project traffic, the 22-intersection average would remain at 67 seconds. This information is summarized on Table 9. The related level of service calculations are contained in Appendix D. According to the NSJDP impact criteria, the proposed development would not impact North San Jose, and therefore, mitigation would not be required.

Offsite Pedestrian and Bicycle Impacts

Existing bicycle and pedestrian access to the site is provided by a series of sidewalks and bike lanes on Great Mall Parkway and Main Street. Bikes are also permitted to use the shoulder area of Montague Expressway. Although Curtis Avenue does not contain bike lanes, the traffic volumes and vehicle speeds are sufficiently low that shared use of the roadway between bikes and motor vehicles is feasible. Sidewalks are provided on the south side of Curtis Avenue and on Comet Drive. Although the proposed development would increase the demand for these facilities, the existing facilities would be adequate under project conditions. In the future, the City is considering a bike/pedestrian path over the railroad tracks to connect Curtis Avenue to Yosemite Drive. This would increase the probability that residents of the future project would walk or bike to work.

Transit Impacts

The current transit service in the project vicinity consists of three VTA operated bus routes and several bus stops on Great Mall Parkway and Main Street. Field observations have shown that these facilities operate within capacity. Although the proposed project would increase the demand for such facilities in the vicinity of the site, the addition on these trips would not result in a demand for transit service greater than what is currently being provided.

In the future, residents of the proposed project would reside approximately one-half mile from the Tasman east light rail station at the Great Mall of the Bay Area. The light rail station and its companion bus transfer station are currently under construction. These improvements would increase the likelihood that the future residents of the proposed project would ride transit. However, the incremental impact of this project on system-wide ridership would be minimal.

Table 9
North San Jose Deficiency Plan Intersection Levels of Service (PM Peak Hour)

Intersection	Background Avg. Del/b/	Background LOS	Project Avg. Del/b/	Project LOS
SR 237/North First Street (N)	113 /c/	F	113 /c/	F
SR 237/North First Street (S)	64	F	64	F
North First Street/Trimble Road	46	E	46	E
North First Street/Brokaw Road	77	F	77	F
I-880/North First Street (N)	13	B	13	B
I-880/North First Street (S)	13	B	13	B
SR 237/Zanker Road (N)	10	B	10	B
SR 237/Zanker Road (S)	13	B	13	B
Zanker Road/Trimble Road	101	F	101	F
Zanker Road/Brokaw Road/a/	33	D	33	D
Montague Expressway/North First Street	233	F	233	F
Montague Expressway/Zanker Road /a/	51	E	51	E
Montague Expressway/Trimble Road/a/	285 /c/	F	285 /c/	F
Montague Expressway/McCarthy Boulevard	65	F	65	F
Montague Expressway/Old Oakland Road	121	F	123	F
Montague Expressway/Trade Zone Boulevard	71	F	71	F
Trimble Road/De La Cruz Boulevard /a/	30	D	30	D
U.S. 101/Brokaw Road	19	C	19	C
I-880/Brokaw Road (W) /a/	24	C	24	C
I-880/Broakw Road (E)	12	B	12	B
Brokaw Road/Old Oakland Road	36	D	36	D
Murphy Avenue/Lundy Avenue	31	D	31	D
Average	67	F	67	F

/a/ With planned improvements included under background and project scenarios.

/b/ Whole intersection wieghted average stopped delay expressed in seconds per vehicle.

/c/ Delay capped at 150 % of signal cycle length (per Deficiency Plan for NSJ)

Site Access, Circulation, and Parking

This section describes the site access, circulation, and parking aspects of the proposed residential project. This review is based on a project plan delivered to Hexagon on March 21, 2003.

Site Access

The project would have driveways on Curtis Avenue and Hammond Way. All of these driveways should comply with City of Milpitas Driveway Design Standards. The driveway on Hammond way would be 23 feet wide and accommodate right-turn traffic only. The main driveway on Curtis Avenue would be 28 feet wide, contain two lanes, and provide both inbound and outbound access. The last driveway on Hammond would be located on the eastern portion of the site. It is shown as 25 feet wide. In the future, this driveway may be closed and the project may gain access to a new public street located just east of the proposed site. Based on the estimated peak hour traffic volumes from the site, the proposed access points would be sufficient to accommodate project traffic. Additionally, the low traffic volumes and relatively slow vehicle speeds on Hammond Way and Curtis Avenue would create adequate access opportunities for project traffic. All driveways would operate with little delay during peak periods. Vehicle queues would rarely exceed one or two vehicles during peak times. For this reason, the storage space provided at each driveway would be adequate. The proposed traffic control at these driveways is not shown on the plan.

Recommendation: The proposed project driveways should be stop-controlled. The driveway on Hammond Way shall be designed to the satisfaction of the City Traffic Engineer.

The proposed driveway on Hammond Way would be located approximately 200 feet north (measured from the roadway centerlines) of Hammond Way's intersection with Curtis Avenue. The main driveway on Curtis Avenue would be located approximately 240 feet east of Comet Drive on Curtis Avenue. This driveway would line-up directly with a private driveway across Curtis Avenue. The last driveway would connect to Curtis Avenue on the eastern portion of the site. This driveway would be located 500 feet east of the main project driveway on Curtis Avenue. It would nearly line-up with a private driveway across Curtis Avenue.

Recommendation: The landscaped areas along the project frontage near project driveways should remain clear of objects that would obstruct driver sight distance.

Site Circulation

The site's street layout consists of one spine road that connects to several dead end aisles. The spine road also connects to driveways on Hammond Way and Curtis Avenue, and provides access to most of the guest parking spaces. These are primarily parallel and 90 degree parking stalls. The dead-end aisles range in length from approximately 110 feet to 130 feet and service private residences. Since parking spaces in the dead-end aisles are assigned, providing space for guests to turn-around is not a concern. However, the long dead-end aisles are problematic for garbage collection, moving trucks, and fire trucks. Although moving and fire truck visits would be infrequent, garbage collection would constitute a continuous problem.

Recommendation: The project proponent should make special provisions for garbage collection. Or, a 140-foot diameter cul-du-sac should be provided at the end of each dead-end aisle. Or, the dead-end aisles should be eliminated.

Project drive aisle widths range from 25 feet on the main spine road to 20 feet on the dead end aisles. Because of the low traffic volumes in the dead end aisles, a 20-foot street width should be sufficient to accommodate project traffic. However, backing out of and turning into garages may require 3-point turns for large vehicles.

Pedestrian links are not shown on the current plan. Bikes would be required to share the site's internal roadways with vehicular traffic. However, the speeds and traffic volumes on these streets would be conducive to this activity.

Recommendation: The project should provide good pedestrian access to and from sidewalks on the adjacent public streets. The project should provide new sidewalks along the public street frontage.

Parking

Public parking is currently permitted on Hammond Way and on the south side of Curtis Avenue. In the near term, public parking will continue to be allowed on Hammond Way along the project frontage. However, some of this parking could be eliminated should a traffic signal be needed under far term conditions (see Chapter 2, *Truck Traffic on Curtis Avenue*). Regarding project parking demand, the proposed project should demonstrate it would comply with the City of Milpitas Parking Code.

5.
Future Growth and Cumulative Conditions

This chapter presents a summary of the traffic conditions that would occur under future growth conditions. The purpose of analyzing future growth conditions is to assess the traffic conditions that would occur at the time that the proposed development becomes occupied. For this analysis, the assumed occupancy date is early 2008. The analysis of future growth conditions is required by the CMP. The proposed project is consistent with the City's Midtown Specific Plan, which evaluated year 2020 impacts on the transportation system. Therefore, no additional analyses of year 2020 impacts and mitigations are needed.

Future Growth Conditions

All of the roadway improvements that were assumed to be completed under project conditions were also included under future growth conditions. However, future growth conditions do not include implementation of the project mitigation measures. Thus, the intersection lane configurations under future growth conditions were assumed to be the same as described under project conditions. Traffic volumes under future growth conditions were estimated by applying to the existing volumes an annual growth rate of two percent, then adding the trips from approved developments and the project trips. This growth rate has been the standard in the City of Milpitas and has been used in nearly every previous traffic report.

The level of service results for the study intersections under future growth conditions are summarized in Table 10. The results show that, measured against the appropriate level of service standards, the following intersections would operate at unacceptable levels:

- Alder Drive and Tasman Drive (LOS E during AM and PM peaks)
- Montague Expressway and Main Street (LOS F during PM peak)
- Montague Expressway and Milpitas Boulevard (LOS F during PM peak)
- Montague Expressway and McCarthy Boulevard (LOS F during PM peak)
- Main Street and Carlo Street (LOS E during PM peak)

The future growth traffic volumes and the intersection level of service calculations are included in Appendix B.

Table 10
LOS Under Future Growth Conditions

Intersection	Peak Hour	Ave. Delay	LOS
Signalized Intersections			
Abel Street and Calaveras Boulevard*.	AM	53.0	E
	PM	52.3	E
I-880 NB Ramps and Great Mall Parkway	AM	24.3	C
	PM	23.3	C
Abel Street and Great Mall Parkway	AM	22.7	C
	PM	20.2	C
I-880 SB Ramps and Tasman Drive	AM	32.5	D
	PM	16.6	C
McCarthy Boulevard and Tasman Drive	AM	21.7	C
	PM	15.5	C
Alder Drive and Tasman Drive	AM	48.2	E
	PM	41.2	E
Main Street and Great Mall Parkway	AM	15.5	C
	PM	16.2	C
Milpitas Boulevard and Montague Expressway*	AM	27.4	D
	PM	217.9	F
Great Mall Pkwy/Capitol Ave and Montague Expwy*	AM	32.9	D
	PM	58.9	E
Main St/Oakland Rd and Montague Expwy*	AM	77.4	F
	PM	141.5	F
McCarthy Blvd/O'toole Ave and Montague Expwy*	AM	29.9	D
	PM	121.0	F
Main Street and Serra Way	AM	4.2	A
	PM	7.2	B
Main Street and Curtis Avenue	AM	14.2	B
	PM	14.9	B
Abel Street and Curtis Avenue	AM	7.3	B
	PM	6.3	B
Abel Street and Serra Way	AM	15.5	C
	PM	19.8	C
Unsignalized Intersections			
Main Street and Carlo Street	AM	8.8	B
	PM	34.6	E
Comet Drive and Curtis Avenue[1]	AM	4.9	A
	PM	5.4	B
Hammond Way and Curtis Avenue[1]	AM	3.4	A
	PM	3.0	A
Main Street and Corning Avenue[1]	AM	6.4	B
	PM	11.8	C

* Denotes CMP intersection.

1 Level of Service reported reflects worst intersection leg.

6. Conclusions

The proposed project's impacts were evaluated in accordance with Congestion Management Program, City of Milpitas, and City of San Jose guidelines at 19 intersections during the AM and PM peak commute hours. The signalized intersections were evaluated using the *1985 Highway Capacity Manual* methodology and TRAFFIX software.

Trip Generation. The trip generation rates used were those published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 6th Edition.* It was estimated that the project would generate 124 AM peak hour trips, 154 PM peak hour trips, and 1,681 daily trips. The proposed project's trip distribution pattern was estimated based on a previous traffic impact analyses. The trips generated by the proposed development were then assigned to the roadway network based on this directional distribution.

Intersection Impacts and Mitigation. The project would not result in any adverse significant impacts at the study intersections. However, to account for the cumulative impacts of new development traffic on existing deficient intersections, the City of Milpitas requires projects to pay their "fair share" of the traffic improvement costs. Currently, the City and County have plans to widen Montague Expressway. Since the proposed project would contribute traffic to deficient intersections on Montague Expressway, it would be required to make a monetary contribution toward the Montague improvements. In addition to improvements on Montague Expressway, the City is currently planning improvements to the intersection of Main Street and Carlo Way. This intersection is projected to degrade to unacceptable levels of service when the Milpitas mid-town specific plan is built out. A traffic signal is planned at this location. The proposed project would contribute traffic to the Main/Carlo intersection. For this reason, the proposed project would have a cumulative impact on this intersection and will be required to contribute its "fair share" monetarily towards the planned improvements.

Impacts to Alternative Modes. The proposed project's impacts to existing bicycle, transit, and pedestrian facilities were also evaluated as part of this study. Although the development would increase the demand for such facilities, it would not result in any adverse significant impacts.

Site Access and Circulation. A site plan review was conducted based on a plan delivered to Hexagon on April 1, 2003. The following recommendations were made:

- The proposed project driveways should be stop-controlled. The driveway on Hammond Way shall be designed to the satisfaction of the City Traffic Engineer.
- The landscaped areas along the project frontage near project driveways should remain clear of objects that would obstruct driver sight distance.
- The project proponent should make special provisions for garbage collection. Or, a 140-foot diameter cul-du-sac should be provided at the end of each dead-end aisle. Or, the dead-end aisles should be eliminated.
- The proposed project should demonstrate that it complies with the City of Milpitas parking code.
- The project should provide good pedestrian access to and from the existing sidewalks on the adjacent public streets. The project should provide new sidewalks along the public street frontage.